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Director's Message

This issue of the *NIJ Journal* discusses a wide range of issues—public trust and confidence in criminal justice, how to identify potential school shooters, protecting children exposed to domestic violence, and solving the problem of tired police on the job.

The first article, "Trust and Confidence in Criminal Justice" by Lawrence W. Sherman, investigates why public trust and confidence rates are falling just as law enforcement becomes more effective. It discusses the racial divide, current demands for change, and potential solutions.

The second article summarizes the interim report of the United States Secret Service Safe School Initiative, which focused on a rare, but significant component of school violence—incidents of targeted violence on school grounds. Because of the Secret Service's knowledge and expertise in researching, understanding, and preventing targeted violence, NIJ funded the Secret Service to study school shootings. Their report will help schools understand the behavior and thinking of young persons who commit targeted violence at school.

In the third article, Debra Whitcomb discusses how prosecutors have been drawn into the debate over how best to protect children in the context of domestic violence. As research reveals more about the effects of domestic violence on children, there are raised expectations as to what prosecutors can do for children who are exposed to domestic violence. Whitcomb explores the challenges facing prosecutors when children are exposed to domestic violence, how new State laws are affecting practice, and what prosecutors can do to help battered women and their children.

In the fourth article, Bryan Vila and Dennis Jay Kenney explain that fatigue is a widespread problem that can seriously degrade police officers' health, safety, interpersonal skills, and decisionmaking. The National Commission on Sleep Disorders Research heard testimony in 1991 from officers about terrible work schedules, high stress, and overwhelming fatigue. But the Commission had no way to determine whether the witnesses' experiences were representative of police officers in general because of a lack of scientific data documenting the prevalence of police fatigue. Now, data are available from the first comprehensive research on police work hours. The article also provides instructive suggestions as to how police departments can address this serious, challenging problem.

During my tenure as director, NIJ will continue to research the challenges faced by the criminal justice community and suggest strategies to address these challenges.

Sarah V. Hart

Sarah V. Hart
Director

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Preventing School Violence:

School shootings are not a new phenomenon, and a recent series of attacks has prompted efforts to identify, assess, and manage persons who might pose a threat. Researchers have discovered, however, that there is no single reason why school shootings occur nor one type of student who becomes a shooter. School shooters can be of any age, ethnic group, race, or family situation. And contrary to assumptions that some of our youth "just snap"—they don't. They plan. See "Preventing School Shootings: A Summary of a U.S. Secret Service Safe School Initiative Report," page 10. Photo source: PhotoDisc.

Tired Cops:

The first comprehensive research on police work hours and fatigue found that shift length, shift assignment policies, personal circumstances, commuting, and work-hour regularity are the main causes of police fatigue. Work weeks of up to 130 hours have been recorded, involving overtime assignments, shift work, night school, and waiting to testify. What does fatigue do to an officer's ability to interact with people in their communities and make sound decisions? See "Tired Cops: The Prevalence and Potential Consequences of Police Fatigue," page 16. Photo source: *The Muskegon Chronicle*.

Prosecutors, Kids, and Domestic Violence Cases

by Debra Whitcomb

Police and prosecutors say they sometimes feel like they are walking a tightrope when they intervene in domestic violence cases. Each step into a heated domestic situation requires careful balance. On the one hand, the justice system must hold batterers accountable for their violent behavior; on the other hand, a woman needs to control her life and find safety and security for herself and her children as best she can.

As research reveals more about the effects of domestic violence on children, prosecutors are finding that both the law and public opinion have raised expectations for what criminal justice professionals should do and actually can do.

Some States have enacted legislation to better protect children exposed to violence, but the new laws are raising concern about the impact

about the author

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on mothers. Critics hypothesize that battered women will be increasingly charged with criminal child abuse or failure to protect their children if they do not take action against their batterer and could eventually lose custody. Others fear that children who are exposed to domestic violence will increasingly be forced to testify and therefore to "choose sides" in the cases against their mother or father.

This article describes some of the issues prosecutors should be aware of when they handle domestic violence cases involving children, especially in light of recent legislation aimed to protect children. It

is the product of an NIJ-funded exploratory study that relied on two sources of data: a national telephone survey of prosecutors and field research in five jurisdictions. (See "The Survey and Its Findings.")

The exploratory study sought answers to the following questions:

- How are new laws, now in effect in a small number of States, affecting practice?

- What challenges do prosecutors face when children are exposed to domestic violence?

- What can prosecutors do to help battered women and their children?

Why the New Laws?

Children who witness domestic violence often manifest behavioral and emotional problems, poor academic performance, and delinquency.[1] Sadly, violence against women and violence against children often coexist in families—the frequency of child abuse doubles in families experiencing intimate partner violence, compared to families with nonviolent partners, and the rate of child abuse escalates with the severity and frequency of the abuse against the mother.[2]

Domestic violence is also a known risk factor for recurring child abuse reports[3] and for child fatalities.[4] In addition, domestic violence frequently coexists with substance abuse, so that children are exposed to the effects of dangerous substances and the parental neglect that usually comes with addiction.[5] One large study involving 9,500 HMO members revealed that the

The Survey and Its Findings

The study involved a telephone survey of prosecutors and in-depth site visits to five jurisdictions to collect information about current practice and to identify "promising practices" in response to cases involving domestic violence and child victims or witnesses.

The final report, *Children and Domestic Violence: Challenges for Prosecutors*, (NCJ 185355; grant 99–WT–VX–0001) is available from NCJRS for $15. To order a copy, call 1–800–851–3420.

Findings from the Telephone Survey

The 128 prosecutors who completed the telephone survey worked in 93 offices in 49 States. The offices had jurisdiction over both felony and misdemeanor cases at either the county or district level. Nearly half

(48 percent) of the jurisdictions had units or prosecutors responsible for all family violence cases, 38 percent had separate domestic violence and child abuse prosecutors or units. The other respondents represented the singular perspectives of domestic violence (10 percent) or child abuse (4 percent).

Specific findings include the following:

Most respondents (78 percent) agreed that the presence of children provides added incentive to prosecute domestic violence cases. A few individuals pointed to the children's capacity to testify as an important factor in their decisions.

A majority of prosecutors' offices (59 percent) are aggressively pursuing enhanced sanctions for domestic violence offenders when incidents

1,010 people who reported that their mothers had been treated violently also reported being exposed to other adverse childhood experiences, such as substance abuse (59 percent reported exposure), mental illness (38 percent), sexual abuse (41 percent), psychological abuse (34 percent), and physical abuse (31 percent).[6]

It is generally recognized that the well-being of children who witness domestic violence is tied closely to that of their mothers,[7] but the mother's interests and the child's may not always be identical or even compatible. A mother may face serious concerns about her financial and physical well-being if she separates from her violent partner. She may lack resources or social networks to extricate herself from dangerous relationships, and the community's support system may be inadequate. Her efforts to seek help may be thwarted by waiting lists, lack of insurance, or high fees for services. She may believe that she and her children are better off staying with the violent partner despite the consequences.[8]

Meanwhile, the children remain in perilous environments. Child protection agencies may feel compelled to intervene to forestall the escalating risk of harm to children. Unfortunately, in many jurisdictions, a referral to the child protection agency is perceived as a mixed blessing. Many child protection agencies do not have adequate resources to respond to the volume of domestic violence reports they receive when exposure to violence is defined as a form of child maltreatment by law or policy. Elsewhere, critics charge, protective services workers are too quick to remove children from violent homes, inappropriately blaming women for the actions of their abusive partners.

Police officers are being encouraged to note the presence of children when they respond to domestic violence incidents and to collaborate with mental health professionals to address the children's trauma and anxiety.

How Are New Laws Affecting Practice?

The words of San Diego City Attorney Casey Gwinn capture the climate of growing concerns related to children and violence in the home:

> …children must be a central focus of all we do in the civil and criminal justice system…from the initial police investigation through the probationary period, we must prioritize children's issues.[9]

Police officers are being encouraged to note the presence of children when they respond to domestic violence incidents and to collaborate with mental health professionals to address the children's trauma and anxiety.[10] Battered women's shelters are hiring staff to work with children and developing policy for alerting child protection agencies when needed.[11] Juvenile and family courts are sponsoring programs to meet the needs of battered women whose children are at risk for maltreatment.[12] Child protection agencies are instituting training and protocols to better identify domestic violence; some are hiring domestic violence specialists to help develop appropriate case plans.[13] Legislators, too, are taking action by enhancing penalties when domestic violence occurs in front of children and creating new criminal child abuse offenses for cases involving children who are exposed to domestic violence.

The new laws are affecting prosecutors in different ways. For example, district attorneys in Multnomah County, Oregon, where a new law recently upgraded domestic violence offenses to felonies when children are present,[14] issued nearly 150 percent more felony domestic violence cases in the year that the new law was passed.

In both Salt Lake County, Utah, and Houston County, Georgia, where committing domestic violence in the presence of a child is a new crime of child abuse,[15] prosecutors tend to use these charges as "bargaining chips" to exert leverage toward guilty pleas on domestic violence charges.

In these jurisdictions, the new State laws remind law enforcement investigators to document children as witnesses and to take statements

from them whenever possible, which may strengthen prosecutors' domestic violence cases even if the children cannot testify.

To understand how prosecutors are responding to the changing attitudes, researchers asked them to explain how they would respond to three different scenarios involving children and domestic violence:

1. An abused mother is alleged to have abused her children.

2. Both mother and children are abused by the same male perpetrator.

3. Children are exposed to domestic violence, but not abused themselves.

For each scenario, respondents answered these questions:

■ Would your office *report* the mother to the child protection agency?

■ Would your office *prosecute* the mother in the first scenario for the abuse of her children?

■ Would your office report or prosecute the mother in scenarios 2 and 3 for failure to protect her children from abuse or exposure to domestic violence?

Many respondents noted the lack of statutory authority in their States to prosecute mothers for failure to protect their children, especially from exposure to domestic violence. Some explained that they consider mothers' experience of victimization in their decisions to report or prosecute battered mothers for their children's exposure to abuse or domestic violence.

Factors in these decisions commonly include the severity of injury to the child, chronicity of the domestic violence, the degree to which the mother actively participated in the

abuse of her child, and prior history of failure to comply with services or treatment plans.

Prosecutors in States with laws either creating or enhancing penalties for domestic violence in the presence of children were significantly more likely to report battered mothers for failure to protect their children from abuse or from exposure to domestic violence, but there was no significant difference in the likelihood of prosecution. (See table 1.)

The more tangible benefits of the new laws—particularly those in Utah and Georgia—may accrue

to the children. By identifying children as victims, these statutes:

■ Allow children access to crime victims compensation funds to address health or mental health needs resulting from their exposure to domestic violence.

■ Enable the courts to issue protective orders on the children's behalf (potentially affording prosecutors another tool for monitoring offenders' behavior).

■ Signal a need to file a report with the child protection agency, even in the absence of laws naming domestic violence as a condition of mandatory reporting.

Table 1: Prosecutors' Responses to Scenarios Involving Children and Abuse

Scenario	Would *Report* At Least Sometimes	Would *Prosecute* At Least Sometimes
Mom Abuses Children	94% (n=90)	100% (n=82)
Mom Fails to Protect from Abuse	63% (n=87)	77.5% (n=80)
Mom Fails to Protect from Exposure	40% (n=86)	25% (n=73)

What Can Prosecutors Do?

Research suggests a number of steps prosecutors can take to help children who are exposed to domestic violence:

- Employ every available avenue to enforce the terms of no-contact orders and probationary sentences. Field research suggests that these measures may offer the most powerful means of holding domestic violence offenders accountable for their behavior.

- Establish protocols within prosecutors' offices to encourage information sharing among prosecutors with responsibility for domestic violence and child abuse caseloads.

- Identify avenues for early intervention (e.g., by placing greater emphasis on misdemeanor prosecution).

- Train law enforcement investigators to note the presence of children in domestic violence incidents and to take statements from them whenever appropriate to do so.

- Encourage law enforcement agencies to adopt a model of law enforcement–mental health partnership that was pioneered in New Haven, Connecticut, as a means of ensuring that children who are exposed to violence receive timely and appropriate therapeutic intervention.[16] Be prepared, however, to develop policies or protocols to guide law enforcement officers' decisions to report these incidents to the child protection agency.

- Wherever possible, prosecute domestic violence offenders on concurrent charges of child endangerment, emotional abuse, or other available charges reflecting the danger to children who witness violence. These additional charges can be used to argue for stricter conditions of pretrial release or probation, or perhaps for upward deviation from sentencing guidelines.

- Provide training on domestic violence, child abuse, and the impact of domestic violence on children for all prosecutors, victim advocates, and other court personnel whose job responsibilities include responding to allegations of family violence.

- Promote increased attention to services for battered women. Women cannot reasonably be expected to extricate themselves from dangerous relationships if the financial and social supports are not available in their communities. Particular attention should be paid to substance abuse treatment; one recent study suggests that substance abuse predicts noncooperation with prosecution among battered women.[17]

- Ensure that social service agencies will connect with families that have been reported for domestic violence, both to offer referrals for needed services and to monitor future incidents. Some avenues need to be available for offering needed services to children in troubled families before they suffer serious harm.

No other institution in the community has the capacity and power to force offenders to confront and change their behavior. As political leaders in their communities, prosecutors have the status and opportunity to advocate for needed change, whether legislative, fiscal, or programmatic in nature. Prosecutors can bring together people with disparate views and hammer out ways to overcome distrust and conflict toward a common goal: protection of battered women and their children.

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> No other institution in the community has the capacity and power to force offenders to confront and change their behavior. … Prosecutors can bring together people with disparate views and hammer out ways to overcome distrust and conflict toward a common goal: protection of battered women and their children.

involve children as victims or witnesses. Most commonly, prosecutors argue for harsher sentencing or file separate charges of child endangerment. Responding offices in which prosecutors had received at least some training on the co-occurrence of domestic violence and child maltreatment (65 percent) were significantly more likely to report employing these avenues in applicable cases.

Most jurisdictions lack a policy for prosecutors and investigators to identify co-occurring cases of domestic violence and child maltreatment. None of the 35 responding offices with separate domestic violence and child abuse units had protocols directing prosecutors in these units to inquire about co-occurrence or to communicate with one another when relevant cases arise. About half were aware of protocols directing law enforcement officers to ask about child victims or witnesses when investigating domestic violence reports. About one-fourth knew of protocols directing investigators to inquire about domestic violence when responding to child abuse reports.

Findings From the In-Depth Site Visits

Dallas, Texas. Prosecutors in Dallas pursue a fairly strict "no-drop" policy for domestic violence cases, and the presence of children only strengthens their resolve to move cases forward. However, with reluctant women, the officials can offer the option of filing an "affidavit of nonprosecution." This document helps women who fear retribution from their abusive partners because it allows the women to demonstrate their efforts to terminate law enforcement's intervention. However, it has no effect on the prosecutor's decision making or the court's proceedings.

Where there are concurrent charges of domestic violence and child abuse, prosecutors try to coordinate the cases to optimize the sanctions against the offender and the safety of the mother and children. For example, the family violence prosecutor can use child abuse cases to support the domestic violence charge. Even if the child abuse is a felony and the domestic violence is a misdemeanor, prosecutors may accept a plea to jail time on the domestic violence charge and a 10-year deferred adjudication on the child abuse charge, which typically carries with it numerous conditions (e.g., no contact, participation in substance abuse treatment, and so on). This avenue ensures a domestic violence conviction while imposing strict court oversight on the child abuse charge.

Respondents observed that deferred adjudication or a probation sentence is, in some ways, more severe and more effective than jail time, precisely because of the conditions that can be imposed, the length of time that the offender can remain under the court's supervision, and the threat of revocation and incarceration.

San Diego, California. Prosecutors in San Diego are both aggressive and creative in finding ways to enhance sanctions for perpetrators of domestic violence and child abuse. For example, domestic violence offenders can be charged with child endangerment when a child:

- Calls 911 to report domestic violence.

- Appears fearful, upset, or hysterical at the scene.

- Is an eyewitness to the incident.

- Is present in a room where objects are being thrown.

- Is in a car during a domestic violence incident.

- Is in the arms of the victim or suspect during an incident.[1]

Anyone convicted of child endangerment and sentenced to probation will be required to complete a yearlong child abuser's treatment program.

Several programs support the prosecutors. For example, the Child Advocacy Project (CAP) provides services to children and families in reported incidents of abuse, neglect, exploitation, or domestic violence that are *not* investigated for criminal justice system intervention. Through a collaboration with the San Diego Police Department and Children's Hospital Center for Child Protection, the San Diego City Attorney's Office reviews these reports with an eye toward any angle that might support a misdemeanor prosecution with the goal of creating an avenue for service delivery. Most defendants plead guilty and receive informal probation with referrals to parenting and counseling programs.

Salt Lake County, Utah. In May 1997, Utah became the first State to enact legislation specifically addressing the issue of children who witness domestic violence. Notable elements of this statute include the following:

- It creates a crime of child abuse, not domestic violence.

- It does not require the child to be physically present during the incident of domestic violence. The perpetrator simply must be aware that a child may see or hear it.

- Unless the precipitating domestic violence incident is quite severe, it requires at least one previous violation or act of domestic violence in the presence of a child. A police incident report documenting an earlier act in the presence of a child will suffice for this purpose.

Although criminal justice agencies in Salt Lake County were not able to provide statistical data, anecdotal evidence suggests that:

- The law is infrequently applied to mothers. But it could be applied if the women were arrested in the underlying incident of domestic violence.

- The law is largely symbolic. It adds minimal time to the offender's sentence—perhaps 6 months if the sentences for the domestic violence and child abuse charges run consecutively.

- The crime is relatively easy to prove, requiring either (a) testimony from the responding officer, (b) testimony or excited utterances from the victim parent, or (c) a 911 tape that records children's voices.

Concurrent with the enactment of the new criminal statute, Utah's Department of Child and Family Services created a new category of child abuse and neglect: "Domestic Violence-Related Child Abuse," or DVRCA, defined as "violent physical or verbal interaction between cohabitants in a household in the presence of a child."

In adopting the new category, the department hired domestic violence advocates and developed a protocol to guide child protection workers in their determinations.

Houston County, Georgia.
Prosecutors in Houston County, Georgia, actively use new provisions of Georgia's "cruelty to children" statute that pertain to domestic violence committed in the presence of children. Because cruelty to children is almost always a misdemeanor offense, it makes little difference in the penalties imposed on a batterer; indeed, the sentence typically runs by concurrently with the underlying domestic violence charge. However, the law does give prosecutors a stronger argument for no contact as a condition of bond. Violations of no-contact orders are charged as aggravated stalking, a felony offense in Georgia.

Prosecutors perceive the severe consequences of violating no-contact orders as perhaps the most effective response to domestic violence among the sanctions available to them.

Also, by identifying children as victims of the family violence battery, the new law accomplishes at least three things:

- It helps to counter batterers' threats to gain custody of a child.

- It makes the children eligible for crime victims compensation.

- It enables the court to impose no-contact orders on the children's behalf.

Multnomah County, Oregon. The study team selected Multnomah County (Portland), Oregon, because Oregon enacted legislation upgrading certain assault offenses from misdemeanors to felonies when a child witnesses the crime. The felony upgrade applies only to assault in the fourth degree, a misdemeanor offense that applies to many incidents of domestic violence. Assaults in the first, second, or third degree are felonies that require more serious injuries or the use of weapons.

Even though the felony upgrade applies to defendants with prior convictions (either one against the same victim or three against any victims) regardless of the presence of children, prosecutors observe that the large majority of elevated cases are those involving child witnesses.

The felony upgrade law has had a noteworthy impact on the District Attorney's Office: The number of felonies reviewed more than tripled in 1998 (the year in which the law became effective), while the number of misdemeanors reviewed remained nearly constant. Also, the number of felonies issued exceeded the number of misdemeanors for the first time.

In that same year, the proportion of issued domestic violence cases declined. This pattern held true for misdemeanors as well as felonies. Prosecutors may have imposed higher standards as they began to interpret and apply the new law.

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Preventing School Shootings

A Summary of a U.S. Secret Service Safe School Initiative Report
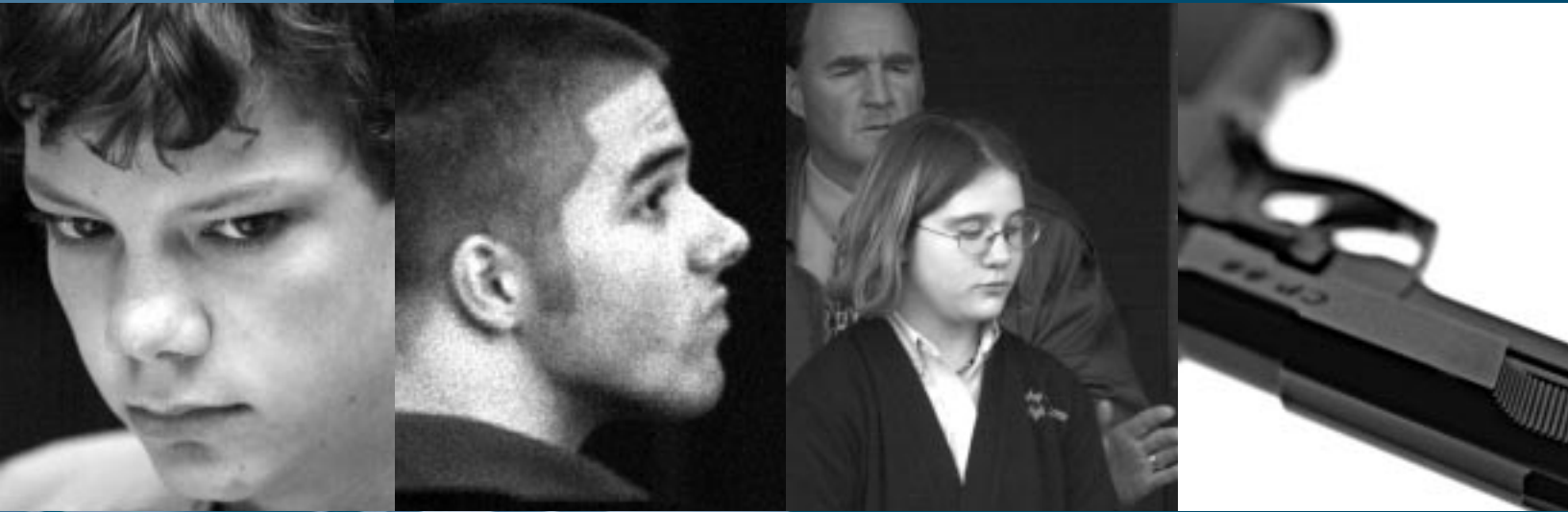
The 18-year-old honor student brought guns and a homemade bomb to school. He set off the fire alarm and shot at the janitors and firefighters who responded. The boy hung himself while awaiting trial. This story sounds as current as today's media headlines, but it happened in 1974. School shootings are not a new phenomenon.

There is no one reason why school shootings occur, and no one type of student who becomes a shooter.

This article dispels the myths and stereotypes about school shooters. Children who attack can be any age and from any ethnic group, race, or family situation. Contrary to assumptions that some of our youth "just snap"—they don't. They plan.

Most official statistics show a steady decline in the rates of school violence. Reports from the U.S. Department of Education show school to be one of the safest places for our children.[1] However, several high-profile shootings in schools over the past decade have resulted

in increased fear among students, parents, and educators.

The National Institute of Justice has joined forces with the U.S. Secret Service and the U.S. Department of Education to assess ways to prevent school shootings. The Secret Service has a long tradition of protecting our Nation's leaders by identifying, assessing, and managing persons who might pose a threat of targeted violence.

Targeted violence is a term developed by the Secret Service to refer to any incident of violence where a known (or knowable) attacker selects a particular target prior to the act of violence. Because of the Secret Service's expertise in the study and prevention of targeted violence, the Secretary of Education

asked the agency to conduct a similar operational study of school shootings. (See "Editor's Note," above, and "The Study Specifics," page 13.)

Study Implications

The findings clearly emphasize the importance of paying attention and listening to America's young people. More than a handful of adults— parents, teachers, school administrators and counselors, coaches, and law enforcement—can make an important contribution to and play a key role in preventing violence on school grounds.

Young people who need help often do not keep it a secret. They may exhibit obvious warning signs either through behavior or remarks, such as voicing problems or grievances, complaining about persecution or bullying, or showing signs of depression or desperation.

The Secret Service found that when young people plan targeted violence they often tell at least one person about their plans, give out specifics before the event takes place, and obtain weapons they need—usually from their own home or a relative's home.

An important effort in prevention may be to ensure that young people have opportunities to talk and connect with caring adults.

Reports from the U.S. Department of Education show school to be one of the safest places for our children. However, several high-profile shootings in schools over the past decade have resulted in increased fear among students, parents, and educators.

What We Know

Attackers Talk About Their Plans

Prior to most incidents, the attacker told someone about his idea or plan. In more than three-fourths of the cases examined in the Safe School Initiative, the attacker told a friend, schoolmate, or sibling about his idea for a possible attack before taking action. In one case, an attacker made comments to at least 24 friends and classmates about his interest in killing other students, building bombs, or carrying out an attack at the school. Some of the conversations were long enough that peers conveyed detailed information about the plans, including the date it would happen.

However, the study identified a major barrier to the prevention of targeted school violence. In nearly all of the cases, the person who was told about the impending incident was a peer, and rarely did anyone bring the information to an adult's attention. It is important, therefore, that threat assessment inquiries involve efforts to gather information from anyone who may have contact with the student in question. It also is important to decrease barriers that may prevent students who have information from coming forward. In addition, both schools and investigators need a thoughtful, effective system for handling and analyzing any information that is provided.

Although some attackers did make threats, most did not threaten their target directly. The researchers indicate it is helpful to distinguish between *making* a threat (telling people they intend to harm someone) and *posing* a threat (engaging in behaviors that indicate intent, planning, or preparation for an attack). The study notes that plans to prevent school violence should

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involve adults attending to concerns when someone poses a threat rather than waiting for a direct threat.

Attackers Make Plans

Incidents of targeted violence at school are rarely impulsive. In almost all incidents, the attacker developed the idea to harm the target before the attack. In many cases, the attacker formulated the idea for the attack at least 2 weeks in advance and planned out the incident. Targeted violence is typically the end result of an understandable, often discernible, process of thinking and behavior. For more than half of the attackers, the motive was revenge. In several cases, students made efforts to acquire firearms—often from their own home—or bomb-making equipment, and solicited the assistance of friends to do so.

Because information about intent and planning was potentially knowable before the incident, the findings suggest some violent events may be preventable. Quick efforts to inquire and intervene are extremely important because the time span may be short between the attacker's decision to attack and the actual incident. An inquiry should include investigation of, and attention to, grievances and bad feelings a student may be experiencing about school or potential targets.

There Is No Stereotype or Profile

There is no accurate or useful profile of "the school shooter." The personality and social characteristics of the shooters varied substantially. They came from a variety of racial and ethnic backgrounds and varied in age from 11 to 21 years. Family

Photo source: PhotoDisc

situations ranged from intact families to foster homes. Academic performance ranged from excellent to failing. Few had been diagnosed with any mental disorder prior to the incident, and less than one-third had histories of drug or alcohol abuse.

Thus profiling is not effective for identifying students who may pose a risk for targeted violence at school. Knowing that an individual shares characteristics, features, or traits with prior school shooters does not advance the appraisal of risk. The use of profiles carries a risk of over-

identification, and the vast majority of students who fit any given profile will not actually pose a risk. The use of these stereotypes will fail to identify some students who do, in fact, pose a risk of violence, but who share few characteristics with prior attackers.

A fact-based approach may be more productive in preventing school shootings than a trait-based approach. This study indicates that an inquiry based on a student's behaviors and communications will be more productive than attempts to determine risk by attending to students' characteristics or traits. The aim should be to determine if the student appears to be planning or preparing for an attack. If so, how far along are the plans, and when or where would intervention be possible?

Attackers Had Easy Access to Guns

Most attackers had used guns previously and had access to guns. In nearly two-thirds of the incidents, the attackers obtained the gun(s) used in the attack from their own home or that of a relative. In some cases, the guns were gifts from the students' parents.

The Study Specifics

Since September 1999, the National Threat Assessment Center (NTAC) has studied 37 school shootings involving 41 attackers. The attackers were current or recent students at the school and chose to attack the school for a particular purpose, not simply as a site of opportunity. The study excluded school shootings that were clearly related to gang or drug activity or to an interpersonal or relationship dispute. All of the incidents were committed by boys or young men.

Researchers reviewed primary source materials for each incident, including investigative, school, court, and mental health records. Information gathered about each case included facts about how

the attacker developed the idea to harm, selected the target(s), planned the attack, and chose to communicate an intent to cause harm.

Each case file also identified the motivation behind the attack, the method used to acquire weapons, and demographic and background information about each attacker. In addition, NTAC personnel conducted interviews with 10 of the attackers. The interviews provided an opportunity to hear the attacker's perspective on his decision to engage in a school-based attack.

The results of the study overturn stereotypes and suggest ways to prevent shootings and other school violence.

While access to weapons among students may be common, when the idea of an attack exists, any effort to acquire, prepare, or use a weapon may signal an attacker's progression from idea to action. A threat assessment inquiry should include investigation of weapon access and use and attention to communication about weapons. The large number of attackers who acquired their guns from home highlights the need to consider issues of safe gun storage.

School Staff Are Often First Responders

Most shooting incidents were not resolved by law enforcement intervention. More than half of the attacks ended before law enforcement responded to the scene—despite law enforcement's often prompt response. In these cases, faculty or fellow students stopped the attacker, or the attacker either stopped shooting on his own or committed suicide. Many of the incidents lasted 20 minutes or less.

Schools can make the best use of their resources by working with law enforcement on prevention efforts as well as critical incident response plans.

Attackers Are Encouraged by Others

In many cases, other students were involved in some capacity. The attackers acted alone in at least two-thirds of the cases. However, in almost half of the cases, friends or fellow students influenced or encouraged the attacker to act.

In one case, the student planned to bring a gun to school in an attempt to appear tough to other students who had been harassing him. The attacker shared his plan with two friends who convinced him to actually shoot students at the school to

persuade others to leave him alone. Several days later, he did just that. The attacker schemed to shoot fellow students in the lobby of his school at a specific time in the morning. On the morning of the attack, he asked three others to meet him in the mezzanine overlooking the lobby, where only a few students could be found every morning. The students told so many others that by the time the attacker opened fire in the lobby—killing 2 and injuring 2—a total of 24 students were in the mezzanine watching the attack. One student brought a camera to record the event.

Advance knowledge among students about the planned incidents contradicts the assumption that shooters are "loners" and that they "just snap." The research suggests that an inquiry should not only include efforts to gather information from a student's friends and schoolmates, but also give attention to the influ-

ence that a student's friends or peers may have on intent, planning, and preparations.

Bullying Can Be a Factor

In a number of cases, bullying played a key role in the decision to attack. A number of attackers had experienced bullying and harassment that were longstanding and severe. In those cases, the experience of bullying appeared to play a major role in motivating the attack at school. Bullying was not a factor in every case, and clearly not every child who is bullied in school will pose a risk. However, in a number of cases, attackers described experiences of being bullied in terms that approached torment.

Attackers told of behaviors that, if they occurred in the workplace, would meet the legal definition of harassment. That bullying played a major role in a number of school

A significant problem in preventing targeted violence is determining how best to respond to students who are already known to be in trouble. This study indicates the importance of giving attention to students who are having difficulty coping with major losses or perceived failures, particularly when feelings of desperation and hopelessness are involved.

shootings should strongly support ongoing efforts to combat bullying in American schools.

Two recent cases not included in the Secret Service's interim report brought the issue of bullying to the Nation's attention. One boy experienced the torment of kids burning their cigarette lighters and then pressing the hot metal against his neck. He was constantly picked on, even by his friends. To stop the daily taunting, he opened fire on his classmates, killing two.[2]

In the second case, a girl had been the victim of such severe harassment that she frequently skipped school; administrators threatened legal action if she did not begin to attend school regularly. Students called her names and threw stones at her as she walked home. Increasingly concerned, her parents transferred her to a small parochial school. The teasing continued. In an effort to stop the pain, the student planned to commit suicide in front of a classmate to whom she had revealed personal information. Instead of killing herself, she pointed the gun at her classmate and wounded her in the shoulder.[3]

Warning Signs Are Common

Most attackers engaged in some behavior prior to the incident that caused concern or indicated a need for help. In more than half of the cases, the attacker's behavior caught the attention of more than one person. Behaviors that led others (e.g., school officials, police, fellow students) to be concerned included those related to the attack, such as efforts to obtain a gun. But they also included behaviors not clearly related to the attack. More than three-fourths of the attackers threatened to kill themselves, made suicidal gestures, or tried to kill themselves before their attacks. In

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■ R.A. Fein, B. Vossekuil, and G.A. Holden, *Threat Assessment: An Approach to Prevent Targeted Violence*, Research in Action, Washington, DC: U.S. Department of Justice, National Institute of Justice, September 1995 (NCJ 155000).

one case, a student wrote several poems for English class that involved themes of homicide and suicide as possible solutions to feelings of hopelessness. School authorities ultimately determined that his was a family problem and did not intervene. He later went to school and killed two people. Many attackers had a history of feeling extremely depressed or desperate.

A significant problem in preventing targeted violence is determining how best to respond to students who are already known to be in trouble. This study indicates the importance of giving attention to students who are having difficulty coping with major losses or perceived failures, particularly when feelings of desperation and hopelessness are involved.

NCJ 190633

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1. Snyder, Thomas, and Charlene Hoffman, *Digest of Education Statistics, 2000*, Washington, DC: National Center for Education Statistics, April 2001.

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Tired Cops:

The Prevalence and Potential Consequences of Police Fatigue

by Bryan Vila and Dennis Jay Kenney

A Michigan police officer working nearly 24 hours straight crashes his cruiser while chasing a fleeing motorist. He is critically injured. In California, a sheriff's deputy working alone drifts off a deserted highway and is killed instantly when his patrol car crashes into a tree. An officer in Florida, who has had trouble staying awake, runs a red light in her patrol car and crashes into a van driven by a deputy sheriff, injuring him severely. A police officer driving home from work in Ohio nods off at the wheel, begins swerving in and out of traffic, and runs off the road, striking and killing a man jogging down the sidewalk. These are just a few of the

about the authors

Bryan Vila is an associate professor at the Department of Criminal Justice, University of Wyoming, and senior research fellow with PolicyLab, a Washington, DC, think tank specializing in criminal justice policy issues. Dennis Jay Kenney is a criminal justice professor at John Jay College of Criminal Justice. Together, they conducted the study that formed an important part of Vila's book, *Tired Cops: The Importance of Managing Police Fatigue*, published last year by the Police Executive Research Forum. This study is based in part on work conducted under NIJ grant 96–IJ–CX–0046. Bryan Vila can be reached at 307–766–2177 or bjvila@uwyo.edu.

news stories about tired cops that come in from around the Nation with distressing regularity.

Accounts of tragedies associated with police fatigue are not new. The National Commission on Sleep Disorders Research heard testimony in 1991 from officers who described terrible work schedules, high stress, and overwhelming fatigue. But the Commission had no way of determining whether or not the witnesses' experiences were representative of police officers in general because of a lack of scientific data documenting the prevalence of police fatigue. Now, data are available from the first comprehensive research on the topic—and the news is not good. (See "About the Tired Cops Study.")

Weary from overtime assignments, shift work, night school, endless hours spent waiting to testify, and the emotional and physical demands of the job—not to mention trying to patch together a family and social life during irregular breaks of off-duty time—police officers fend off fatigue with coffee and hard-bitten humor. The authors of the study spoke to hundreds of officers, supervisors, and managers, most of whom reported personal experiences with fatigue, exhaustion, and extreme drowsiness.

What's Causing Police Fatigue?

The work hours in many professions (for example, airline pilots and truck drivers) are standardized and regulated. No such structure exists for police officers. There are scattered reports of officers working stupendous amounts of overtime or extra-duty details. *The Boston Globe*'s detailed review of timekeeping records for one police agency found 16 officers who each *averaged* more

About the Tired Cops Study

Beginning in 1996, the authors conducted studies in four mid-sized municipal law enforcement agencies located in different parts of the United States. The agencies were representative in terms of staffing levels, work-shift arrangements, calls-for-service, and other potentially relevant variables. The National Institute of Justice funded the research, and staff from the Police Executive Research Forum conducted the study. The goals were to identify effective strategies for measuring fatigue among police officers and to better understand the prevalence of fatigue among field police officers. The authors also wanted to identify the causes of fatigue in the police environment and begin to evaluate the impact of fatigue on officer performance, health, and safety.

With the help of executives, supervisors, and officers, the researchers collected information about the number of hours worked by individual officers, the regularity of their work hours, and related accident and on-the-job injury data.

To obtain an objective measure of the level of fatigue at the start of each day's shift, the authors used a computerized device called the FIT™ Workplace Safety Screener. With this tool, the researchers could test the officers' involuntary pupil responses and the speed of voluntary eye movements. Both measurements are sensitive to the performance and risk factors associated with excessive sleepiness and are almost impossible for subjects to falsify.

The authors also surveyed the officers using the Pittsburgh Sleep Quality Index, a well-validated questionnaire that clinicians use to diagnose sleep disorders. The officers answered questions about how they perceived their own level of fatigue and that of their peers. They also responded to questions about how much of their fatigue should be attributed to their jobs and how they thought fatigue affected their job performance and family life.

than 80 total work hours per week (including regular and overtime hours) during a 12-month period. Two officers averaged more than 100 hours per week. And another officer once worked 130 hours in a single week—averaging less than 6 hours off each day. A few officers in both Florida and Massachusetts jurisdictions reportedly work overtime or moonlight as many as 3,000 hours per year in addition to their regular work shifts.[1]

A series of surveys conducted in 1999 with police chiefs and supervisors supports the idea that overtime work contributes greatly to police fatigue.[2] The results, compiled from more than 60 jurisdictions in the United States, reveal that at least a few officers in most departments work substantial amounts of overtime and that more than half of the officers in many departments moonlight. Among 49 respondents from the largest of the surveys, the authors found that, on average, patrol officers worked a reasonable 17.5 hours of overtime per month. In all, about a third of the departments reported that their officers work 20 or more hours of overtime per month. At the high end, one department reported that its officers worked an average of 100 overtime hours per month, and two reported an average of 40 overtime hours per month. However, none of these findings tell how evenly the overtime was distributed. Experience suggests that overtime seldom is evenly distributed—some officers work extreme amounts of overtime while others work little or none.

On average, officers attributed 35 percent of the overtime they worked to off-duty court appearances; 20 percent to making late arrests or writing reports; 11 percent to taking extra shift assignments to fill in for someone who was sick, on vacation, or disabled; and 9 percent to cover-

To summarize, the research still is a long way from fully explaining the role fatigue plays in police officer accidents, injuries, and citizen complaints—but the limited data available suggest that fatigue contributes to these problems. Prudence suggests that we take concrete steps to manage police fatigue and better understand its causes and circumstances.

ing special circumstances, such as crowd control, parades, or missing children.

Other Possible Causes and Correlates of Fatigue

Specific causes and effects are difficult to establish for something as complex as fatigue. But when the findings from the Tired Cops study are combined with what is known from the research on sleep and fatigue in general, the following causes and correlates take shape:

Shift length: In the two departments that used compressed shifts, officers appeared to have significantly fewer sleep problems and reported significantly less fatigue at the beginning of their work shifts.[3] Officers who worked 10- and 12-hour shifts for fewer days repeatedly empha-

sized that such shifts were less fatiguing.[4]

Shift assignment policies: People are less able to cope with fatigue and sleep disruption as they age.[5] Thus, the way in which departments assign people to their shifts tends to affect older and experienced officers more. Age and experience explained a substantial amount of the fatigue reported by night-shift officers in departments that made shift assignments based on department needs alone. The reverse was true in departments where preference in shift assignment was based on seniority. In brief, older officers who could select their own shift tended to be less fatigued.

Personal circumstances: No relationship was found between marital status and fatigue, although many of the officers who were surveyed listed having young children at home as a major source of fatigue and sleep

disruption. Although women officers tended to show poorer quality sleep on standard scientific measures than men, few women reported feeling tired at the start of their shifts.[6]

Commuting: Longer commutes are significantly related to more self-reported fatigue and to lower quality sleep for day-shift officers, but not for officers on other shifts. The authors theorize that this is because day-shift commuters encounter more traffic. Overall, there was a moderately strong, positive correlation between commuting distance and fatigue-related impairment, as measured by a computerized eye movement/pupil response test that is nearly impossible to falsify.[7] This finding was consistent for evening shift officers in all departments and among officers in the department located in an area with some of the worst traffic in the United States.

Work-hour regularity: The study revealed one finding that is counter to research on the fatigue-inducing effects of schedule disruption: Officers with regular work hours

(i.e., whose regular work schedules were disrupted less often by overtime or extra shift assignments) reported significantly more tiredness at the beginning of their work shifts and significantly poorer quality sleep. One possible interpretation of this finding could be that the officers who were having problems with fatigue were actually avoiding or minimizing overtime work—perhaps by making fewer arrests or court appearances. It also is possible that these officers had outside jobs, child-care responsibilities, or other external demands on their time that encouraged them to keep regular hours, yet also promoted fatigue.

To summarize, the research still is a long way from fully explaining the role fatigue plays in police officer accidents, injuries, and citizen complaints—but the limited data available suggest that fatigue contributes to these problems. Prudence suggests that we take concrete steps to manage police fatigue and better understand its causes and circumstances.

What Can Be Done

Although there is still much to learn about police fatigue, enough is known to begin developing policies and programs to address these critical issues safely and constructively. At a minimum, the existing research suggests four steps every police agency can take to assess the extent to which fatigue puts its officers and the community they serve at risk:

■ Review the policies, procedures, and practices that affect shift scheduling and rotation, overtime, moonlighting, the number of consecutive work hours allowed, and the way in which the department deals with overly tired employees.

■ Assess how much of a voice officers are given in work-hour and shift-scheduling decisions. The number of hours officers work and the time of day they are assigned to work affect their personal, social, family, and professional lives. Excluding officers from decisions affecting this

arena increases stress, which in turn reduces their ability to deal with fatigue and tends to diminish their job performance and ability to deal with stress.

- Assess the level of fatigue officers experience, the quality of their sleep, and how tired they are while on the job as well as their attitudes toward fatigue and work-hour issues.

- Review recruit and in-service training programs to determine if officers are receiving adequate information about the importance of good sleep habits, the hazards associated with fatigue and shift work, and strategies for managing them. Are officers taught to view fatigue as a safety issue? Are they trained to recognize drowsiness as a factor in vehicle crashes?

If this review and assessment uncover problems, the agency should develop fatigue or alertness management policies and programs and implement them.[8]

Police fatigue presents managers with a unique set of thorny problems. It also provides an excellent example of the importance of partnerships between practitioners and researchers. Involving qualified researchers in policy analysis and program evaluation can help departments develop the best practices possible. It also may help limit civil liability associated with fatigue-related accidents, injuries, and misconduct by providing evidence that a department has conscientiously attempted to ensure that its officers are not impaired by fatigue.

Looking Forward

Fatigue is a serious, challenging problem—the kind of problem that requires creative leadership.

> "It is totally reprehensible that the cops we expect to protect us, come to our aid, and respond to our needs when victimized should be allowed to have the worst fatigue and sleep conditions of any profession in our society."
>
> William C. Dement, M.D., Ph.D.

Researchers and police managers need to work together to minimize the threat fatigue poses to our communities and to our officers.

Distinguished sleep researcher William C. Dement[9] summed up the problem this way:

> Police work is the one profession in which we would want all practitioners to have adequate and healthful sleep to perform their duties at peak alertness levels. Not only is fatigue associated with individual misery, but it can also lead to counterproductive behavior. It is well known that impulsiveness, aggression, irritability, and angry outbursts are associated with sleep deprivation. It is totally reprehensible that the cops we expect to protect us, come to our aid, and respond to our needs when victimized should be allowed to have the worst fatigue and sleep conditions of any profession in our society.[10]

NCJ 190634

Notes

1. A 40-hour per week job with a 4-week vacation totals 1,920 work hours per year.

2. The largest of these surveys was conducted through the Police Executive Research Forum (PERF) with Lorie Fridell, PERF's Director of Research. These surveys were not part of the Tired Cops study.

3. A compressed shift compresses the traditional 40-hour work week into fewer than 5 days.

4. In this study, the authors couldn't test how officers on compressed shifts compared with those on regular 8-hour shifts within the same agency. Thus, it is not known if it was compressed shifts that caused less fatigue or some other factors associated with the departments themselves.

5. This is consistent with a substantial body of research indicating that adults have more difficulty

adjusting to the challenges of shift work as they age.

6. The Tired Cops study administered to 298 officers the Pittsburgh Sleep Quality Index, a well-validated questionnaire that clinicians use to diagnose sleep disorders.

7. The FIT™ Workplace Safety Screener was used to test officers' involuntary pupil responses and the speed of voluntary eye movements. Both of these measurements are sensitive to the performance and risk factors associated with excessive sleepiness and are almost impossible for subjects to falsify.

8. Many of the resources listed in the "For More Information" section of this article will be helpful in this regard. *Tired Cops: The Importance of Managing Police Fatigue* provides a step-by-step plan for developing fatigue and alertness policies and programs.

9. William C. Dement, M.D., Ph.D., is the Founder and Director of the Stanford University Sleep Research Center. He served as Chairman of the National Commission on Sleep Disorders Research in 1991.

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Web Sites

- Alertness Solutions, http://www.alertness-solutions.com.

- NASA Ames Research Center Fatigue Countermeasures Group, http://human-factors.arc.nasa.gov/zteam.

- National Sleep Foundation, http://www.sleepfoundation.org.

- PMI, Inc., Fitness-for-Duty Impairment Screener (FIT), http://www.pmifit.com.

- Police Executive Research Forum, http://www.policeforum.org.

- University of North Carolina Highway Safety Research Center, http://www.hsrc.unc.edu.
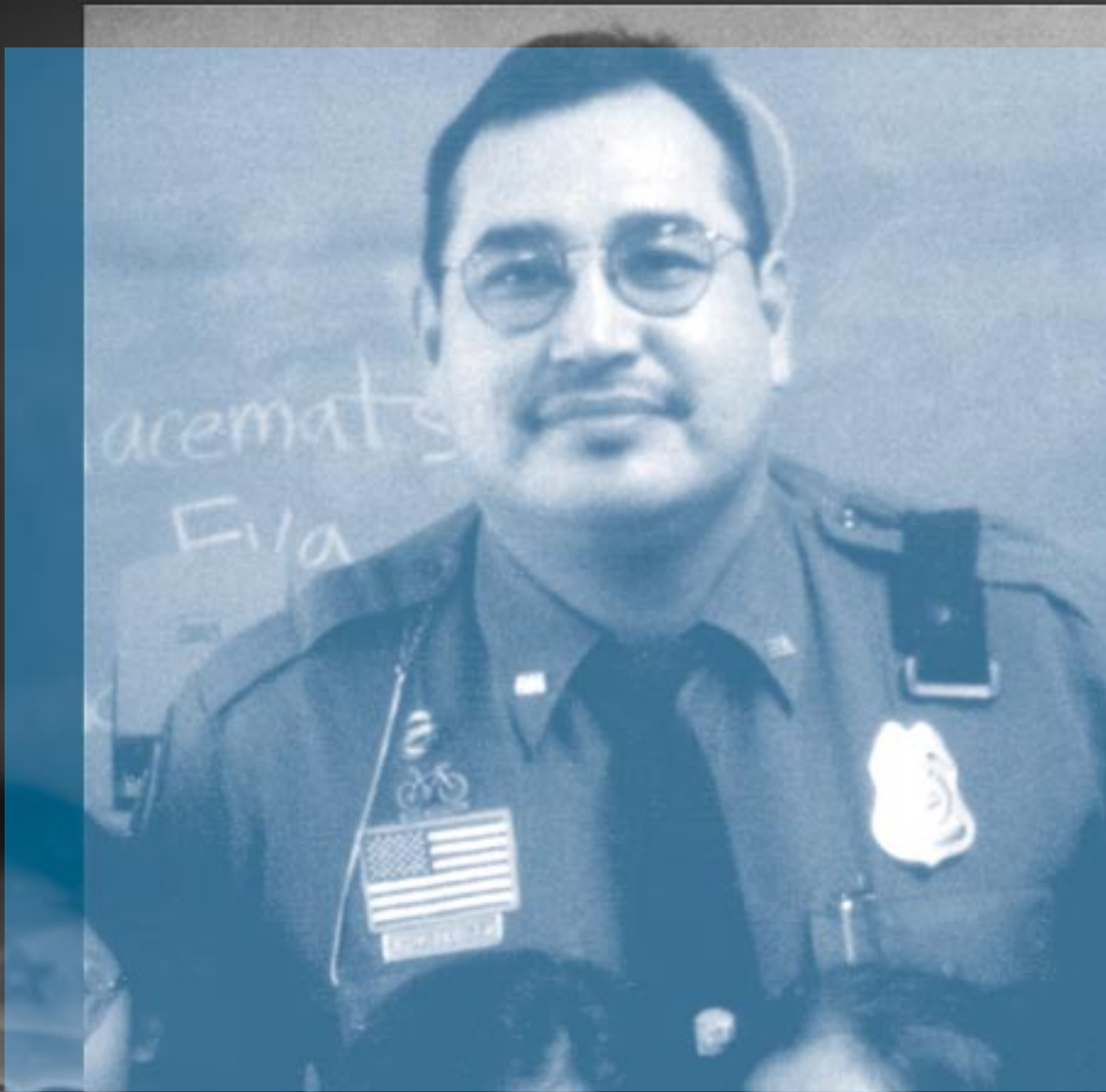
Trust and Confidence in Criminal Justice

by Lawrence W. Sherman

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Criminal justice in America today is a paradox of progress: While the fairness and effectiveness of criminal justice have improved, public trust and confidence apparently have not.

Criminal justice is far less corrupt, brutal, and racially unfair than it has been in the past. It is arguably more effective at preventing crime. It has far greater diversity in its staffing. Yet these objectively defined improvements seem to have had little impact on American attitudes toward criminal justice.

Understanding this paradox— better work but low marks— is central to improving public trust and confidence in the criminal justice system.

How Low Is Public Confidence?

Gallup polls over the last few years have consistently found that Americans have less confidence in the criminal justice system than in other institutions, such as banking, the medical system, public schools, television news, newspapers, big business, and organized labor.[1]

The most striking finding in the Gallup poll is the difference between the low evaluation of "criminal justice" and the high evaluation given to the police and the Supreme Court. Other sources of data show similar attitudes: Confidence in local courts and prisons is far lower than it is for the police.[2] These large differences suggest that Americans may not think of police in the same way as they do the criminal justice system.

The Racial Divide

A 1998 Gallup poll reports little overall demographic difference among the respondents saying they had confidence in the criminal justice system. But what is most clear is the difference in opinion between whites and blacks about the individual components of the criminal justice system and especially the police. Whites express considerably more confidence in the police, local court system, and State prison system than blacks (see exhibit 1).

Race, Victimization, and Punishment. Racial differences also appear in rates of victimization and punishment: Blacks are 31 percent more likely to be victimized by personal crime than whites and twice as likely as whites to suffer a completed violent crime.[3]

Young black males are historically 10 times more likely to be murdered than white males.[4]

Arrest rates for robbery are five times higher for blacks than for whites; four times higher for murder and rape; and three times higher for drug violations and weapons possession.[5]

Blacks are eight times more likely to be in a State or Federal prison than non-Hispanic whites (and three times more likely than Hispanic whites). Almost 2 percent of the black population, or 1 of every 63 blacks, was in prison in 1996.[6]

Race and Neighborhood. What these data fail to show, however, is the extent to which the racial differences in attitudes, victimization, and punishment may be largely related to more blacks being the residents of a small number of high-crime, high-poverty areas concentrated in a small fraction of urban neighborhoods. This is the case even though Harvard University

Exhibit 1: Confidence Ratings for Criminal Justice System Agencies, by Race

	Police	U.S. Supreme Court	Local Courts	Prisons	Criminal Justice System
White	61%	51%	36%	26%	23%
Black	34%	40%	16%	15%	25%

Percentage of adults who express confidence
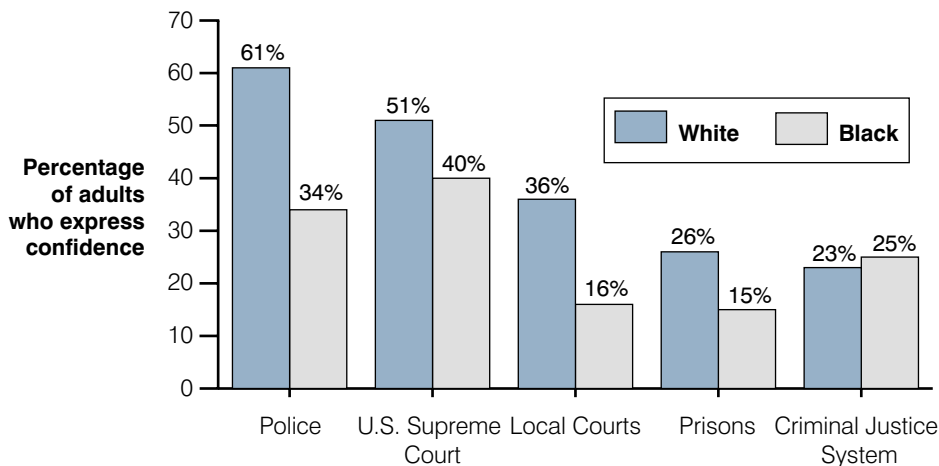
Source: The Gallup Organization, "Confidence in Institutions," retrieved from the World Wide Web site http://www.gallup.com, October 10, 2000.

sociologist Orlando Patterson has estimated that only 1 in every 30 black adults resides in these high-crime, high-poverty areas; the proportion is higher for children.

What we may understand as a problem of race in America may largely reflect conditions in those neighborhoods that are generalized by both blacks and whites to conditions of the larger society.

Due to limited national data, it is difficult to determine what precisely drives the lower levels of confidence in criminal justice among blacks, but insights from city-by-city analysis suggest two conclusions:

■ **There is no race-based subculture of violence.** Blacks and whites who live in neighborhoods with similar conditions have similar views on the legitimacy of law. To the extent that race is associated with attitudes toward law, it may be a reflection of the greater likelihood that blacks reside in poverty areas.

■ **There is no race-based hostility to police in high-crime areas.** High levels of dissatisfaction with police are endemic to high-crime areas. Whites residing in such areas express attitudes just as hostile as blacks toward police.[7] The distrust of police in high-crime areas may be related to the prevalence of crime rather than to police practice. If negative attitudes are driven by police practice, it may be because those practices fail to prevent crime rather than because police presence or behavior is excessive. Or it may be that the practice of policing in such areas offers less recognition and dignity to citizen consumers than is found in lower crime areas.

The personal opinions of the survey respondents are consistent with a major theory about the declining public confidence in all government—not just criminal justice—in all modern nations, not just the United States. The concerns arise from the decline of hierarchy and the rise of equality in all walks of life. The rise in egalitarian culture increases the demand for government officials to show more respect to citizens.

Strong Demands for Change

The findings and responses from a random digit-dialing telephone survey of 4,000 residents of 10 northeastern States in 1998 found that more than 80 percent—four out of five respondents—preferred the idea of "totally revamping the way the [criminal justice] system works" for violent crime; 75 percent said the same for all crime.[8] The responses varied little from State to State or from one demographic group to another. The majority of respondents believed that:

■ Victims are not accorded sufficient rights in the criminal justice process.

■ Victims are not informed enough about the status of their cases.

■ Victims are not able to talk to prosecutors enough.

■ Victims should be able to tell the court what impact the crime had on them, but most victims do not get that chance.

■ Offenders, even if jailed, should reimburse victims for the cost of the crime.

■ Offenders should acknowledge their responsibility for the crime.

■ Victims should have the opportunity to meet with the offender to find out why the crime occurred and to learn

whether the offender accepted responsibility.

■ Ordinary citizens, not courts, should set penalties for non-violent crimes.

■ Drug treatment should be used more widely for drug-using offenders.

The personal opinions of the survey respondents are consistent with a major theory about the declining public confidence in all government—not just criminal justice—in all modern nations, not just the United States. The concerns arise from the decline of hierarchy and the rise of equality in all walks of life. The rise in egalitarian culture increases the demand for government officials to show more respect to citizens.[9]

Photo source: PhotoDisc

Egalitarianism in Modern Culture: Raised Expectations, Reduced Trust

Americans' trust in government has declined sharply in the last quarter century.[10] A similar loss of trust has been found in 18 other democracies. Citizens now expect higher levels of recognition, respect, and status from the government. Criminal justice serves as a flashpoint for this change in citizen attitudes because so many Americans have contact with the criminal justice system and because the hierarchical design of criminal justice institutions juxtaposes so starkly with the egalitarian demands of the public.

As the spread of equality has combined with growing freedom from want, political culture has shifted away from Puritan views of a *hierarchical* communal democracy to Quaker views of a more *egalitarian* individualistic democracy.

Indeed, the consistently greater support for police than for courts may result from a perception of police as egalitarian individualists (the new cultural ideal) while judges are seen as bossy conformists (the outdated ideal).

The massive three-decade decline of public trust in liberal democratic governments suggests a deeper paradox of success: As democracies become more materially successful and better educated, the perceived need for governance declines and expectations of government for appropriate conduct increase.[11] The crisis of government legitimacy has thus been prompted less by declining quality of government conduct than by increasing public dissatisfaction with institutions in general, driven by what Ronald F. Inglehart, Professor, University of Michigan, calls "postmaterialist values."[12]

Social changes taking place around the globe appear to be resulting in challenges to the legitimacy of virtually all forms of social hierarchy

of authority (although not hierarchy of wealth)—of husbands over wives, doctors over patients, schoolteachers over students and parents, parents over children, and government officials over citizens. This evolution may have led to widespread preference for the recognition of individual dignity over the recognition of communal authority.[13]

Thus, what Robert J. Sampson, Professor of Sociology, University of Chicago, and other scholars refer to as "legal cynicism"— the extent to which people feel that laws are not binding—is not the product of a criminal subculture.[14] It is a 400-year-old Christian political theology that has become globally accepted across people of all religions in a more egalitarian and individualistic modern culture.

In such a world, people are less likely to obey the law out of a sense of communal obligation, and more likely to obey laws they support through a personal sense of what is moral.

Trust and Recognition

What changing culture may be creating is a world in which people trust *laws* but not *legal institutions*. This new world may be one in which trust in criminal justice is no longer automatic; it must be earned every day, with each encounter between legal agents and citizens.

The research of Tom R. Tyler, Department of Psychology, New York University, shows that Americans—especially members of minority groups—are extremely sensitive to the respect they perceive and the procedures employed when they come into contact with criminal justice.[15] Tyler's evidence suggests that in building citizen trust in the legal system, it may matter less whether you receive the speeding ticket than whether the police officer addresses you politely or rudely during the traffic stop. Similarly, sentencing guidelines that punish possession of crack more harshly than possession of powdered cocaine may discriminate against blacks. But dissatisfaction may be greater with some police officers engaged in drug enforcement who treat suspects and arrestees like people who are enemies rather than like people who are equal fellow citizens.

Tyler concludes that the procedural justice perceived in treatment by legal officials affects the level of trust citizens have in government.[16] That level of trust, in turn, affects the pride we have in our government and the degree to which we feel we are respected by other members of our democracy—including the government.

Tyler further concludes that the odds of citizens reaching the conclusion that the law is morally right are much higher when citizens feel that the law has given each of them adequate recognition and respect.

Rather than creating a willingness to *defer* to the power of the law,

Consensus thus appears to be a much better fit to the new political culture. Standing up when judges enter a room and obeying orders barked out by police, for example, are procedural forms that may imply officials are more important than citizens. Such forms may do more to undermine legal trust than to build respect for the law.

Tyler suggests that respectful treatment creates a stronger *consensus* about what is moral and what the law must be. The consensus model assumes more equality than the deference model on which our legal institutions were designed.[17]

Consensus thus appears to be a much better fit to the new political culture. Standing up when judges enter a room and obeying orders barked out by police, for example, are procedural forms that may imply officials are more important than citizens. Such forms may do more to undermine legal trust than to build respect for the law.

Fitting Legal Institutions to the Culture: The Canberra Experiments

For all Americans, regardless of race, the central cause of declining trust may be the misfit of hierarchical legal institutions in an egalitarian culture. In many ways, citizens may experience the conduct of judges, prosecutors, and police as being overly "bossy" and unnecessarily authoritarian.

Results of experiments in Canberra, Australia, suggest that an egalitarian, consensual procedure of stakeholder citizens deciding the sentence for a crime creates more legitimacy in the eyes of both offenders and victims than the hierarchical, deferential process of sentencing by a judge.[18]

The experiments compared traditional court sentencing of youthful violent and property offenders to an alternative community justice conference making the same decisions.

Offenders who were sent to conferences were far less likely than offenders who were sent to traditional court to say that they were pushed around; disadvantaged by their age, income, or education; treated as if they were untrustworthy; or not listened to. They also were more likely to report that their experience increased their respect for the justice system and the police, as well as their feeling that the crime they had committed was morally wrong.

Victims also were far more satisfied with community justice conferences

than with court proceedings. Much of this difference may be because most victims of criminals sent to court were never informed of the offenders' court appearances, either before or after sentencing. The victims invited to community justice conferences with offenders, in sharp contrast, gained increased trust in police and justice, as well as decreased fear of and anger at the offender. (For more details, see "Alternative Community Justice Conferences," page 28.)

Building Trust One Case at a Time

The Canberra experiments suggest the highly personal nature of citizen trust in criminal justice. The *personal* legitimacy of legal agents may depend on a leveling of distinctions in rank between citizen and official.

As Albert J. Reiss, Jr., Professor Emeritus, Sociology Department, Yale University, observed, the legitimacy of police authority in the eyes of citizens varies widely from one situation to the next.[19] Thus, officials must earn the legitimacy of their authority one case at a time.

The most dramatic demonstration of this principle is the finding that *how* police make arrests for domestic violence affects the rate of repeat offending. Raymond Paternoster, Ph.D., University of Maryland, et al. demonstrated that offenders who were arrested for domestic violence and who perceived that the police officers' arresting procedures were fair were less likely to repeat the offense than offenders who perceived the arresting procedures as unfair.[20] Actions that constituted "procedural justice" included the police taking the time to listen to both the offender and the victim, not handcuffing the offender in front of the victim, and not using physical force.

As exhibit 2 shows, the risk of repeat offending was 40 percent for offenders who had a low perception of police procedural fairness, but only 25 percent for those who perceived a high level of police fairness. The estimate of offending risk took prior levels of violence into account; hence the findings shown in exhibit 2 increase our confidence that *how* the police make an arrest may affect the crime rate (much of which comes from repeat offending)— through trust and confidence in the criminal justice system.

Reducing Complaints Against Police. Other tests of the hypothesis that trust in criminal justice comes from egalitarian procedures can be seen in actions that have been shown to reduce complaints against police.

In the 42nd and 44th precincts in the Bronx, complaints reached a 10-year high in 1996. But after the precinct commanders instituted a program to promote respectful policing and improve police relations with community residents, complaints dropped dramatically. Among the elements of the new pro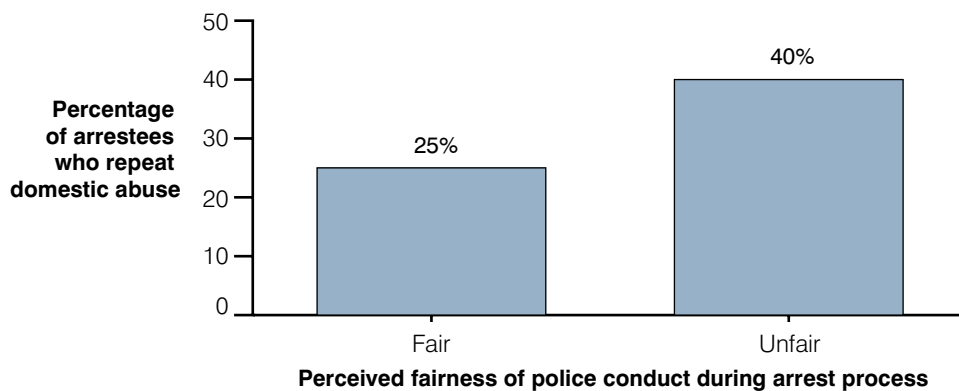gram was vigorous training for officers on how to treat citizens respectfully, zealous monitoring of complaints, and followthrough with consequences for officers who received complaints.

In addition, the simple elimination of the precinct's high desk and bar in front of the desk in the reception area helped the precinct present a less hierarchical face to the community. Research on the effects of the strategy, conducted by the Vera Institute of Justice, found that citizens began to perceive the police as responsive to community concerns.[21]

The second test of the procedural equality theory comes from a community with a population of almost one million; 55 percent of the population is African American.

Complaints dropped in this department of 1,400 officers when a new procedure for traffic stops was initiated in 1997–99. The procedure, called "Take Away Guns" (TAG), was one part of a larger strategy to reduce gun violence. One of the first steps the department took was to increase traffic enforcement—a 400-some percent increase—so

Exhibit 2: Repeat Offending After Arrest for Domestic Violence by Perceived Fairness of Arrest Process

Percentage of arrestees who repeat domestic abuse

Perceived fairness of police conduct during arrest process

Fair: 25%
Unfair: 40%

Source: Paternoster, R., R. Brame, R. Bachman, and L.W. Sherman, "Do Fair Procedures Matter? The Effect of Procedural Justice on Spouse Assault," *Law & Society Review*, 31(1997): 185.

Alternative Community Justice Conferences

In the Canberra experiments, the police invite victims, offenders, and their respective supporters to a meeting in which the offenders must not—for these purposes—dispute their guilt. At the meetings, everyone sits in a circle to discuss the harm the crime has caused, acknowledge the pain and emotional impact of that harm, and deliberate democratically as to how the offenders should repair that harm.

The egalitarian proceedings begin with the police officer moderating the proceedings, offering only questions, not answers. For example, what did the offender do? How did it hurt the victim? How does the victim feel about that hurt? How do the victim's friends and family feel? How do the offender's family and friends feel about what has been said? What would be the right way for the offender to repay the debt to the victim and to society? Does everyone agree? Is there anything the offender wants to say to the victim (sometimes the offender says "I'm sorry")? Is there anything the victim wants to say to

the offender (possibly "I forgive you")?

One of the most important parts of the proceedings is that everyone is allowed to talk, just as in a Quaker meeting, but no one person dominates speech, as might happen in a Calvinist church or in an Anglo-American courtroom. Emotions can be intense at the conferences—unlike the restraint valued by Puritan cultures and Western courts.

No Lawyers. Lawyers are not allowed to attend the conferences as legal advocates for either an offender or the State, although they may attend as personal supporters. They are always on call, ready to act to protect anyone whose rights may seem abused. But as long as the victim-offender consensus is under discussion, everyone in the circle has equal authority, regardless of age or education.

Extra Time Required. A community justice conference takes, on average, about 70 minutes to resolve. A similar case in tradition-

al court may take 10 minutes spread across several different appearances, which have no emotional significance for victim or offender, and thus leave citizens feeling like cogs in a wheel. A community justice conference is about the people present rather than the legal formalities. People come only once, prepared to stay until the case is resolved.

Trust in Justice. Research shows that sentences imposed in the community justice conferences and the traditional court process were fairly similar despite the major differences in the decisionmaking procedures employed.[1] But the conferences produced far better results in terms of citizen respect for legal institutions.

1. Sherman, L.W., H. Strang, and G.C. Barnes, "Stratification of Justice: Legitimacy of Hierarchical and Egalitarian Sentencing Procedures," unpublished manuscript, Fels Center of Government, University of Pennsylvania, 1999.

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that police had an opportunity to explain the program at each traffic stop and distribute a letter from the district police captain explaining the program. The letter contained the captain's phone number and invited citizens to call the captain with complaints or questions. Officers were trained to be very polite in explaining the program to drivers and then asking permission to search the car for guns.

The program not only received a high rate of compliance with the requests, but also received

praise from the drivers stopped who approved of the efforts to get guns off the street. Over the first 2 years of the program, both gun violence and citizen complaints of excessive force by police dropped substantially.

In sum, a growing body of theory and evidence suggests that it is not the fairness or effectiveness of decisions criminal justice officials make that determines the public's level of trust. Changes in modern culture have made the *procedures* and manners of criminal justice

officials far more important to public trust and left officials out of step with modern culture.

This explanation gains further support from scholarship on the effect of television and other communications media on the nature of authority and trust in government. For despite Tyler's focus on personal contacts with criminal justice, most citizens have little if any personal contact with legal officials. For this majority of Americans, the level of trust in criminal justice may depend on what they hear about criminal

> In sum, a growing body of theory and evidence suggests that it is not the fairness or effectiveness of decisions criminal justice officials make that determines the public's level of trust. Changes in modern culture have made the *procedures* and manners of criminal justice officials far more important to public trust and left officials out of step with modern culture.

justice encounters with other citizens, a little-studied area. But it also may depend on how legal agencies are portrayed in entertainment and news media.

Authority and Media Celebrity

The future authority of the criminal justice system may well depend on how the system appears not just to those directly involved in the system, but to all citizens. That, in turn, may depend heavily on how criminal justice manages its image in the electronic media. Legal historian Lawrence Friedman notes that modern culture has changed the very nature of authority from *vertical* (where people look up to leaders in high position) to *horizontal* (where people look in to the center of society to find leaders who are celebrities, defined by the number of people who recognize their names and faces). "Leaders are no longer distant, awesome, and unknown; they are familiar figures on TV….

The horizontal society is [one in which] the men and women who get and hold power become celebrities" and the public come to know them, or think they know them, through the media. "By contrast," Friedman writes, "traditional authority was vertical, and the higher up the authority, the more stern, distant, and remote it was."[22]

A celebrity culture creates still another paradox: Americans now feel more personal connections with celebrities living far away than they do with legal officials in their own hometown. Just as many people felt more emotional loss at the death of Princess Diana than at the death of a neighbor, the celebrity culture makes us feel personal connections to people we do not know.

Thus, for all the programs designed to foster community policing or community prosecution with legal officials in the neighborhood, Americans still are more likely to form their impressions of criminal justice from vicarious contact

through friends or through television shows than from personal experience with their own legal system. The evidence is clear: On a Wednesday night when police convene a neighborhood meeting in a church basement, more local residents are home watching television than attending the meeting.

We may well ask if there are any celebrities of American criminal justice, and if so, who they are—The Chief Justice of the Supreme Court? The director of the FBI? Probably not. These positions appear to fit Friedman's characteristics of traditional authority: stern, distant, and remote. Television's Judge Judy, on the other hand, is an internationally recognized celebrity, with far greater name-face recognition than the traditional authority figures.

Unfortunately, the entertainment values of the television business conflict with the core values of legal institutions. What sells TV audiences is conflict and putdowns, tools Judge Judy uses to portray a rude, in-your-face (but perhaps egalitarian), power-control image of the bench. Audiences find this fun to watch, although Judge Judy may confirm their worst fears, leaving them reluctant to have anything to do with the legal system.

The difficulty in using celebrity power to send messages about the trustworthiness of criminal justice is the clash of cultures between law and entertainment. The reticence of the legal culture conflicts with the chattiness of celebrity culture.

One can imagine a legal official appearing weekly on a talk show with a huge audience, saying things that could help shore up public faith in criminal justice as an egalitarian and fair system. One can equally imagine such a strategy being condemned by leaders of

the American Bar Association, conservative journalists, and other defenders of traditional remoteness of authority.

The kind of public education programs that legal culture would approve of—such as tasteful PBS specials or public service announcements on radio and television—would seem unlikely to reach much of the public, let alone those citizens most distrustful of the system.

Portraying Values in the Media

The media often portray criminal justice through a morality play that explores themes of what Elijah Anderson, Charles and William L. Day Professor, Sociology Department, University of Pennsylvania, calls "street" and "decent" values. Based on years of field research in high-crime areas of Philadelphia, Anderson has observed people who exhibit "decent" values as patient, hopeful, respectful of authority, and with a belief in the predictability of punishment. Those who exhibit "street" values take on a bitter, impatient, antisystem outlook that is disrespectful of authority and demanding of deference.[23]

Television dramas that portray a hero's impatience with red tape may glorify the "street" enforcement of vengeance and personal respect. TV interviewers who ask officials provocative and insulting questions may reflect an effort to produce a "street" response.

The paradox of such media portrayals is that the more frequently legal officials are portrayed breaking the official rules out of distrust for "decent" government, the less reason the public has to believe the criminal justice system will treat citizens decently. By showing criminal justice agents pursuing street values, the media may create a self-fulfilling

prophecy, defining conduct for legal officials and the public alike.

The research on respect for authority suggests that street sanctioning styles interact with different kinds of citizen personalities in ways that produce the following differences in repeat offending:

■ Decent sanctioning of "decent" people produces the lowest repeat offending.

■ Street sanctioning of "decent" people produces higher repeat offending.

■ Decent sanctioning of "street" people may produce even higher repeat offending.

■ Street sanctioning of "street" people produces the highest levels of repeat offending.[24]

The research on respect for authority consistently suggests that when people in positions of authority impose "street" attitudes or sanctions, the reaction is almost always negative. It is more productive for criminal justice officials to show more respect to, and take more time to listen to, citizens. To the extent that this message is portrayed in entertainment media and identified with celebrity authority, the criminal justice system might be able to increase its public trust and confidence. Yet to the extent that "decent" values are themselves communicated in an illegitimate way, it will be difficult to foster a more "decent" legal culture.

Half a century ago and half a world away, a French journalist observed during a 2-month tour of China in the early 1950's that police had become far more polite under Mao's early communism:

> In the olden days the Peking police were renowned for their brutality, and pedestrians frequently suffered at their hands, smacks in the face being the least form of violence offered them.

Today they are formally forbidden to use any kind of force. Their instructions are to explain, to make people understand, to convince them.[25]

It may be easier to change official conduct in a dictatorship than in a democracy, but the power of electronic media may make the dynamics totally different today. Electronic communications comprise a highly democratized, free-market institution that cannot be manipulated easily for official purposes. But the media can be a venue in which celebrity power is built and put to use in fostering support for "decent" styles of criminal justice, both in the image and the reality of how criminal justice works.

The Domains of Public Trust

Three major domains appear to affect public trust and confidence in criminal justice:

■ The conduct and practices of the criminal justice system.

■ The changing values and expectations of the culture the system serves.

■ The images of the system presented in electronic media.

Changes in each domain affect the others. Trust, as the product of all three combined, is likely to increase only when changes in all three domains can be aligned to create practices and values that are perceived to be fair, inclusive, and trustworthy.

Discovering how that can be made to happen is a daunting task. But the data suggest that fairness builds trust in criminal justice, and trust builds compliance with law. Thus what is fairer is more effective, and to be effective it is necessary to be fair.

NCJ 189088

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At-A-Glance:
Recent Research Findings

New Method for Monitoring Crack Use

K. Jack Riley, Natalie T. Lu, et al., "Monitoring the Crack Epidemic Through Urine Testing: Establishment of Routine Detection Methods," Addiction Biology, *(2001): 83–95.*

Today, a lab technician testing an arrestee's urine sample for cocaine use would not be distinguishing between use of crack or powder cocaine. That may soon change. Staff of the National Institute of Justice and Pharm-Chem Laboratories (PCL) have recently reported new findings from a project to detect crack use through urinalysis. The study also involves comparing urine tests with users' self-reports.

Crack is considered by some to be a more dangerous drug than powder cocaine. In addition to being highly addictive, crack is associated with a multitude of social, economic, and health problems. Crack addicts have high rates of tuberculosis, HIV, and other diseases. Seeing the potential for greater social harm, Federal legislators have set more severe punishment for crack use and trafficking than for powder cocaine use and trafficking.

The researchers of the NIJ/PCL study worked in conjunction with NIJ's Arrestee Drug Abuse Monitoring (ADAM) program data collection effort, which regularly interviews and tests drug use among arrestees in cities across the United States. The study team obtained anonymous urine samples from arrestees at six sites in the first quarter of 1999. At each site, researchers interviewed participants and

Photo source: PhotoDisc

matched the interviews to the urine specimens using bar codes. Of the total 2,327 samples collected, 1,666 were from men and 661 from women.

The urine samples that were found to be positive for cocaine were tested further for two chemicals, anhydro-ecgonine methyl ester (AEME) and ecgonidine (ECD), which are byproducts of smoking cocaine (i.e., crack, the smokable form of cocaine). When crack is smoked, the two chemicals are produced and inhaled and can subsequently be detected in the user's urine. The presence of either AEME or ECD in urine is an accurate indicator of recent crack use.

Following the initial round of screening, researchers first confirmed the cocaine positives using GC/MS (gas chromatography/mass spectometry) and then further tested the cocaine-positive urine specimens for the two chemicals. AEME was found in 63 percent of the cocaine-positive samples; ECD was found in 74 percent of the samples. The

results of the tests on the cocaine-positive samples indicate that 28 percent of the 2,327 study participants had used crack. Prevalence of crack was greater among women (31 percent) than among men (27 percent). The crack use rate found through urine testing was substantially higher than the average rate of 15 percent (13 percent for men and 22 percent for women) obtained through self-reports.

The findings reinforce earlier research showing that crack use is common among arrestees and constitutes a significant proportion of their cocaine use. The data also support the hypothesis that arrestees do not consistently provide accurate self-reports.

Although the methodology needs further refining before large-scale testing can be implemented, the results are encouraging. The ability to distinguish between use of crack and powder cocaine will enable researchers to verify the accuracy of self-reports in specific populations (e.g., juveniles) and to better analyze

> The ability to distinguish between use of crack and powder cocaine will enable researchers to verify the accuracy of self-reports in specific populations (e.g., juveniles) and to better analyze drug use trends in the effort to better understand why treatment fails and arrestees recidivate.

drug use trends in the effort to better understand why treatment fails and arrestees recidivate. In addition, improved data could help programs such as ADAM track the spread of crack in areas where the drug is not well established.

For more information, contact Natalie T. Lu, NIJ, 810 Seventh Street N.W., Washington, DC 20531, 202–616–5209, lun@ojp.usdoj.gov.

Responding to Emergencies Involving People with Mental Illness

Henry J. Steadman et al., "Police Response to Emotionally Disturbed Persons: Analyzing New Models of Police Interactions With the Mental Health System," Final report submitted to NIJ, grant number 96–IJ–CX–0082.

Police have had mixed success responding to situations involving people with mental illness. Poor police response has been blamed for inappropriate incarceration of

people with mental illness as well as for use of excessive force in these situations. Some jurisdictions are trying to improve how they handle mentally ill people by developing innovative "prebooking" diversion

programs that give police alternatives to arrest and enable police to directly refer mentally ill people to community-based treatment programs. Prebooking diversion programs often involve novel police training practices and collaboration with local consumer and family groups.

Henry Steadman and colleagues examined the effectiveness of two prebooking diversion programs: the Community Service Officer program in Birmingham, Alabama, which uses inhouse mental health specialists employed by the police department to handle incidents, and the Crisis Intervention Team (CIT) in Memphis, Tennessee, which relies on sworn officers with specialized training in mental health issues. In addition, the researchers looked at a traditional mobile mental health crisis response team in Knoxville, Tennessee, where the police department coordinates with crisis teams from community mental health organizations to handle incidents.

How to Get At-A-Glance Materials

Materials are available at:

- NIJ's Web site at http://www.ojp.usdoj.gov/nij, or

- NCJRS, puborder@ncjrs.org, 1–800–851–3420, P. O. Box 6000, Rockville, MD 20849–6000.

The summaries in this section are based on the following:

Research in Progress Seminars. At these seminars, scholars discuss their ongoing research and preliminary findings with an audience of researchers and criminal justice professionals. Sixty-minute VHS videotapes of the Research in Progress seminars are available from the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420. Videotaped seminars are $19 ($24 in Canada and other countries).

NIJ Final Reports. These final submissions from NIJ grantees typically are available from NCJRS through interlibrary loan. In some cases, photocopies may be obtained for a fee. For information about these reports and possible fees, contact NCJRS.

NIJ Publications. Some of the information here is summarized from recent NIJ publications, which are available from the NIJ Web site or by contacting NCJRS. Refer to the documents' accession (ACN) or NCJ numbers.

Less Lethal Options

In April 2000, a Seattle man with a mental illness was shot and killed by a police officer. The man was brandishing a knife following a shoplifting incident. The resulting citizen outcry sparked both a community working group and a police task force to examine the use of less lethal weapons.

The Less Lethal Options Community Workgroup, which was composed of representatives of neighborhood and minority advisory councils, recommended that the Seattle Police Department take the following steps:

- Provide all patrol officers with 8-hour Crisis Intervention Team (CIT) training, with refresher courses every 2 years. CIT officers have special training for dealing with people with mental illness who are involved in police incidents. The program is based on the successful model used in Memphis, Tennessee.

- Provide all sergeants and lieutenants with 40 hours of CIT training.

- Train officers in use of less lethal weapons (tasers and bean bags) either prior to or at the time of issuance of the weapons, with annual requalification.

The group noted that although implementing its proposals would help police deal more appropriately with the mentally ill, long-term policy solutions ultimately are needed.

The police task force made similar recommendations for additional CIT's and less lethal weapons training. Full adoption of its recommendations (budgeted at $350,000 for the 2001–02 budget) would ensure that about 50 percent of the police force had some form of less lethal weapon or intervention option within a year of implementation.

Findings

The findings suggest that specialized programs can help keep people with mental illness out of jail as well as facilitate access to treatment. In more than half of the encounters across the three sites, mentally ill subjects were either transported or directly referred to treatment resources. In about a third of the encounters, officers were able to resolve the incident at the scene in a way that helped resolve the crisis and let subjects remain in the community. Just over 6 percent of the encounters resulted in arrest. The study found that quick response time is important: Long waits for specialized personnel discouraged other officers from using the programs.

Among the three sites, the Memphis CIT program received the most positive ratings from nonspecialized officers on the force. The researchers attribute the high ratings to several factors; for example, the program is police-based, and the city has a "police-friendly" mental health system that provides a dropoff site with a no refusal policy. In addition, fellow officers know that they can rely on the CIT officers to handle crises, thereby relieving them of the need to spend significant amounts of downtime with subjects.

What Works

The researchers conclude that the specialized programs contribute to better outcomes for people with mental illness. They link program success to two main program elements:

A psychiatric triage or dropoff center. Having a center where police can take people who are experiencing a mental crisis reduces officer downtime and places the subject in the mental health system rather than the criminal justice system.

Community partnerships. The departments view their prebooking diversion programs as part of their community policing initiatives. The data convincingly point to collaborations among criminal justice, mental health, and advocacy communities as a way of significantly reducing the use of jails to house people with mental illness.

The authors also say that further in-depth examination of the Memphis and Birmingham programs is needed. They state that it would be informative to study the differences between these two models as they relate to other communities, jurisdictions, and State laws. Lastly, they argue that diversion from incarceration is not the same as being linked effectively to integrated mental health services. They use these points to establish their overall conclusion that further work is needed to build on these innovative models.

For more information, contact Henry J. Steadman, Ph.D., Policy Research Associates, Inc., 262 Delaware Avenue, Delmar, NY 12054, 518–439–7415, hsteadman@ prainc.com. Watch NIJ's Web page for a forthcoming Research in Brief report on this study.

Enter the Dragon: Inside Chinese Smuggling Organizations

NIJ Research in Progress Seminar, "Enter the Dragon: Inside Chinese Smuggling Organizations," Sheldon Zhang and Ko-lin Chin, grant number 99–IJ–CX–0028, available on videotape from NCJRS (NCJ 187077).

Illegal Chinese immigration has occurred for decades, but until recently it rarely received public attention except when the attempts ended in disaster. Today's trend toward organized Chinese alien smuggling, however, is raising considerable concern and is gaining a great deal of public attention.

Limited immigration into the United States and the increasing number of Chinese nationals who want to emigrate to the United States have created fertile ground for an organized underground market in human trafficking. The emerging market is growing swiftly due to a number of factors, including rapid

economic growth in the Pacific Rim; greater commercial exchanges between countries; the proliferation of telecommunication devices; and easier travel between countries via air, land, and sea.

Sheldon Zhang of California State University at San Marcos presented preliminary observations from his research with Ko-lin Chin of Rutgers University on the Chinese alien

smuggling trade at a recent Research in Progress seminar at NIJ.

Their research involves collecting data in a systematic way for the first time from individuals directly involved in organizing and transporting Chinese nationals into the United States. Zhang and Chin gathered data from three sites: New York, Los Angeles, and Fuzhou, China.

Zhang and Chin named two challenges for law enforcement: (1) constructing effective strategies to combat smuggling entrepreneurs, and (2) preventing new crime groups from forming partnerships with the traditional crime societies.

The Nature of the Trade

The researchers found that Chinese human smuggling is vastly different from other racketeering activities in the Chinese community, such as extortion, gambling, or prostitution. Chinese alien smugglers, or *snakeheads*, are otherwise ordinary citizens—government officials, police officers, small business owners, housewives, handymen, masons, taxi drivers, massage parlor owners, fast food restaurant owners, and

> Zhang and Chin named two challenges for law enforcement: (1) constructing effective strategies to combat smuggling entrepreneurs, and (2) preventing new crime groups from forming partnerships with the traditional crime societies.

fruit stand owners. They have family networks and strong social contacts that give them the opportunity to take part in human smuggling.

Zhang and Chin learned through interviews that no qualifications or training are needed to participate in the smuggling business; all a potential smuggler needs is a combination of proper connections, opportunities, and an entrepreneurial spirit. As a result, Chinese alien smuggling is dominated by small groups of loosely connected entrepreneurs in temporary alliances. Zhang and Chin use the term "task force" instead of "organized crime" to refer to these groups.

The unfixed and changing nature of Chinese alien smuggling organizations allows members to easily hide their operations from law enforcement. Yet, because smuggling rings usually involve a dyadic (one-on-one) business transaction, membership in rings is vulnerable to change, and the loss of even one member can lead to the collapse of an entire ring.

Recent Trends

Today's Chinese smuggling rings use fewer fishing trawlers, and landings are likely to occur at peripheral locations, such as the Virgin Islands, Mariana Islands, and islands off the Canadian or Mexican coasts. Increasingly, smugglers transport their human cargo in container ships that can elude the U.S. Coast Guard and make interception on the high seas nearly impossible.

The use of air routes is also increasing as many smugglers are able to arrange legitimate business trips, tourist visas, or marriages with U.S. citizens for incoming immigrants. Other immigrants fly into Canada or Mexico and enter the United States from there, or simply stay in the United States by not making their

international connections at the airport.

Zhang and Chin's data show that among the subjects in the United States who actively participate in Chinese smuggling activities, 81 percent describe themselves as U.S. citizens or permanent residents. About 10 percent claim to be members of an organized crime group. The researchers estimate that the number of Chinese smuggled into the United States varies from 20,000 to 30,000 annually.

For more information, contact Sheldon Zhang at Department of Sociology, California State University at San Marcos, San Marcos, CA 92069–0001, 760–750–4162, xzhang@ csusm.edu.

Breaking the Cycle of Drug Use and Crime

NIJ Research in Progress Seminar, "Reducing Drug Use and Crime Among Felony Defendants: Findings From the Evaluation of Breaking the Cycle," Adele Harrell, grant number

97–IJ–CX–0013, available on videotape from NCJRS (NCJ 187076).

Drug-involved offenders have high crime rates, and decreasing their drug use so as to reduce their offending is a high priority. How can the criminal justice system decrease drug use among offenders? The Breaking the Cycle (BTC) intervention strategy has demonstrated success. BTC reduces offender drug use and crime by combining case management, drug testing, sanctions, and treatment.

Adele Harrell of the Urban Institute presented preliminary findings from an evaluation of the BTC program in Birmingham, Alabama, at a recent NIJ Research in Progress seminar. The evaluation compared drug use and crime among felony defendants enrolled in BTC to defendants not offered these services based on surveys and arrest records in the year following entry into the courts. The BTC program in Birmingham was funded by the Office of National Drug Control Policy.

How BTC Works

In Birmingham, defendants are admitted to the BTC program if they self-report or test positive for drug use or have been arrested on a drug felony charge. Assessment revealed that about 60 percent of these drug users met the diagnostic criteria for drug abuse or dependency. BTC responded with proven treatment practices. The most frequently recommended intervention was urine monitoring only. Outpatient treatment, residential treatment, and group treatment were recommended when needed. Offenders involved in the evaluation spent an average of 150 days in the program.

Results of Breaking the Cycle

No matter the offense, BTC clients were less likely than the comparison group to be arrested in the year after sample entry, which is when the offender became a part of the evaluation or the study, with white clients arrested for fewer new crimes than black clients.

The evaluation found that BTC clients were less likely than those in a comparison sample to self-report that they had committed a drug crime in the 6 months before their followup interview. Results of statistical models suggest that with 16 percent of non-BTC offenders reported committing a drug offense, only 7 percent of comparable BTC participants would report such an offense.

For offenses other than drug selling, a large effect of BTC was found for whites but not for blacks. For whites, with 29 percent of non-BTC defendants reporting offenses other than drug selling, only eight percent of comparable white BTC participants would report such offenses. For black offenders, compared to 17 percent of non-BTC defendants reporting such offenses, 16 percent of BTC clients would also report such offenses.

While these initial findings are promising, Harrell pointed out that they are preliminary, limited to one site, and may have been affected by differences in the characteristics of defendants in the two samples. Additional research on the BTC model is being conducted in Eugene, Oregon; Jacksonville, Florida; and Tacoma, Washington.

For more information, contact Adele Harrell, The Urban Institute, State Policy Center, 2100 M Street N.W., Washington, DC 20037, 202–261–5738, aharrell@ ui.urban.org.

Compstat and Organizational Change

Former New York Police Commissioner Bill Bratton introduced a new way of looking at crime problems in 1994. The process, called Compstat, used weekly meetings that featured statistics and automated mapping at which Bratton asked his deputies to identify emerging problems and to explain what they were doing to reduce crime.

Today Compstat has spread across the country. It combines mapping and analysis of data with other essential police performance measures to hold police managers accountable for their performance.

How far has Compstat spread, and has it changed the landscape of American policing? David Weisburd of the University of Maryland and Hebrew University Law School and his colleagues Stephen Mastrofski of George Mason University and Rosann Greenspan of the Police Foundation used surveys and site visits to establish a national profile of Compstat use, identify emerging patterns and variations in Compstat programs, and evaluate certain model programs in distinguishing how Compstat works at all levels in police organizations.

> No matter the offense, BTC clients were less likely than the comparison group to be arrested in the year after sample entry, which is when the offender became a part of the evaluation or the study.

Weisburd discussed the findings and other preliminary observations at a Research in Progress seminar held at NIJ.

Research indicates that the larger a police department is, the more likely it is to have implemented a program like Compstat. Nearly 60 percent of departments with 500 or more sworn officers have a program, 33 percent of police departments with 100 or more sworn officers have an existing or planned Compstat program, and 11 percent of smaller departments have a program.

Why Compstat Has Spread

Large police departments began to adopt Compstat programs in 1996. The numbers continued to rise through 1998, though there is some evidence that the trend has begun to level off. The south has the highest occurrence of departments with Compstat-like processes, followed by departments in the west, northeast, and north-central regions.

Weisburd stated that unlike other recent innovations in American policing, Compstat does not challenge the traditional quasi-military model of police organization. In addition, Compstat allows police departments to adopt technological innovations in policing while reinforcing the traditional hierarchal structure of police agencies.

Compstat allows police departments to adopt technological innovations in policing while reinforcing the traditional hierarchal structure of police agencies.

Implementing Core Elements of Compstat

In his presentation of the research, Weisburd identified seven central elements of police management and discussed how Compstat affected each element. The elements are: (1) clarify the mission, (2) hold managers accountable, (3) use data to identify and assess problems, (4) use effective problem-solving tactics, (5) provide commanders with control over resources needed to get the job done, (6) ensure flexibility within the organization, and (7) make the department accountable externally.

Large departments implement the seven elements with varying degrees of effectiveness. Departments are more likely to use data-driven problem identification and assessment and to stress clarifying the mission, holding managers accountable, and ensuring flexibility within the organization. Compstat departments find it much more difficult to

implement effective problem-solving tactics and to develop systems of external accountability.

Compstat and non-Compstat departments differ significantly on the seven core elements. Compstat departments are more likely to claim implementation of each of these than are non-Compstat departments. Weisburd suggested that police departments, on the whole, have been more successful in implementing those aspects of Compstat that reinforce the established organizational structure of policing and—not surprisingly—less successful in adopting innovations that demand significant change in the philosophy and practices of policing.

For more information, contact David Weisburd at 2220 LeFrak Hall, University of Maryland, College Park, MD 20742, 301–405–4705, dweisburd@ crim.umd.edu.

New & Noteworthy

NIJ's New Director

Sarah V. Hart became NIJ's new Director on August 2, 2001. After being nominated by President George W. Bush, the U.S. Senate confirmed her nomination in a vote of 98–0.

Before joining NIJ, Ms. Hart served as the Chief Counsel for the Pennsylvania Department of Corrections, where she assisted Congress in drafting the Federal Prison Litigation Reform Act (PLRA) and 1997 amendments to the PLRA.

Previously, she served for 16 years as a prosecutor in the Philadelphia District Attorney's Office, where she acted as lead counsel for 9 years in Federal litigation involving the Philadelphia prison system. She also assisted in drafting Pennsylvania's drug nuisance law, nuisance bar legislation, and sentencing and parole reform bills.

Ms. Hart served on the Pennsylvania Supreme Court's Appellate Procedural Rules Committee and as Vice Chair of the Legal Affairs Committee of the American

Correctional Association. She has provided training on corrections legal issues to the American Correctional Association, the Association of State Corrections Administrators, the National Association of Attorneys General, and the National Institute of Corrections. She has written several articles concerning courts, corrections, and criminal law.

Ms. Hart received her undergraduate degree in criminal justice from the University of Delaware and her law degree from Rutgers Camden School of Law, where she was associate editor of the law review.

Series Looks at International Crime

An increase in crimes originating outside the United States is the focus of a new monograph series, "Issues in International Crime." The series, developed by NIJ's International Center, highlights research in transnational crime and is intended to stimulate further discussion and study of international crime and justice issues.

To date, NIJ has released three titles:

- *Crime, Criminal Justice, and Criminology in Post-Soviet Ukraine*, by Todd S. Fogelsong and Peter H. Solomon, Jr. (NCJ 186166). Available at http://www.ojp.usdoj.gov/nij/pubs-sum/186166.htm.

- *The Threat of Organized Crime*, by James O. Finckenauer and Yuri A. Voronin (NCJ 187085). Available at http://www.ojp.usdoj.gov/nij/pubs-sum/187085.htm.

New Guides Explore First Responder Equipment

NIJ is creating a series of guides about first responder equipment that will provide public safety agencies with information on the types and capabilities of available equipment.

While only the first in the series has been printed, NIJ is making working drafts of the remaining guides available on the Web in a working draft format.

Titles in the series include:

- *Guide for the Selection of Chemical Agent and Toxic Industrial Material Detection Equipment for Emergency First Responders*, NIJ Guide 100-00.

- *An Introduction to Biological Agent Detection Equipment for Emergency First Responders*, NIJ Guide 101-11.

- *Guide for the Selection of Chemical and Biological Decontamination Equipment for Emergency First Responders*, NIJ Guide 103-00.

- *Guide for the Selection of Communication Equipment for Emergency First Responders*, NIJ Guide 104-00.

- *Guide for the Selection of Personal Protective Equipment for Emergency First Responders*, NIJ Guide 102-00.

Go to http://www.ojp.usdoj.gov/nij/new.htm for more information.
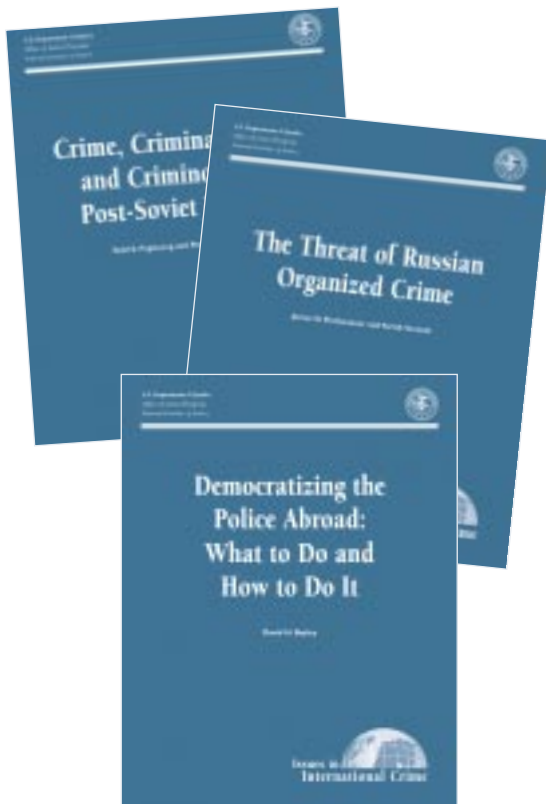
- *Democratizing the Police Abroad: What to Do and How to Do It*, by David H. Bayley (NCJ 188742). Available at http://www.ojp.usdoj.gov/nij/ pubs-sum/188742.htm.

Obtain copies from the NIJ Web page at the addresses above or call NCJRS at 1–800–851–3420. Visit NIJ's International Center at http://www.ojp.usdoj.gov/nij/ international for more information.

Biometrics Catalog Available Online

A searchable catalog of commercially available biometric products, research and development efforts, and testing programs is now available to Web users.

Biometrics are automated methods of recognizing a person based on physiological or behavioral characteristics unique to each individual, such as fingerprints, speech patterns, face recognition, dynamic signatures, and iris patterns.

Visitors to the catalog can search by biometric type, category, date range, and keyword. Once a visitor identifies a product or program, the catalog displays a description and downloadable papers or associated Web sites. Visitors can also request more information about specific items.

NIJ and the Department of Defense's Counterdrug Technology Development Program Office jointly developed the catalog, which currently contains more than 117 entries. Although the catalog's postings are added and modified by the vendor or other responsible parties, the sponsors read and approve all postings before they are available through the catalog.

Visit the online Biometrics Catalog at http://www. biometricscatalog.org. For more information on biometrics, visit http://www. biometrics.org or http:// homepage.ntlworld.com/ avanti/whitepaper.htm.

New Technology Guide Published

State and local administrators who must make decisions about acquiring new technologies should get a copy of the newly published *Resource Guide to Law Enforcement, Corrections, and Forensic Technologies* (NCJ 186822). This reference book lists research and grant programs from the Office of Community Oriented Policing Services (COPS) and Office of Justice Programs.

The book is organized into four main technology types:

- Officer protection and crime prevention.
- Public safety in critical incidents.
- Communications and information technology.
- Investigative and forensic sciences.

Each listing includes Department of Justice (DOJ) funding opportunities, information on DOJ standards and testing, the status of DOJ-supported research and development efforts, and citations to DOJ-related publications.

Copies of the guide can be downloaded from the NIJ Web site at http://www.ojp.usdoj.gov/nij/ pubs-sum/186822.htm or ordered from NCJRS by calling 1–800–851–3420.
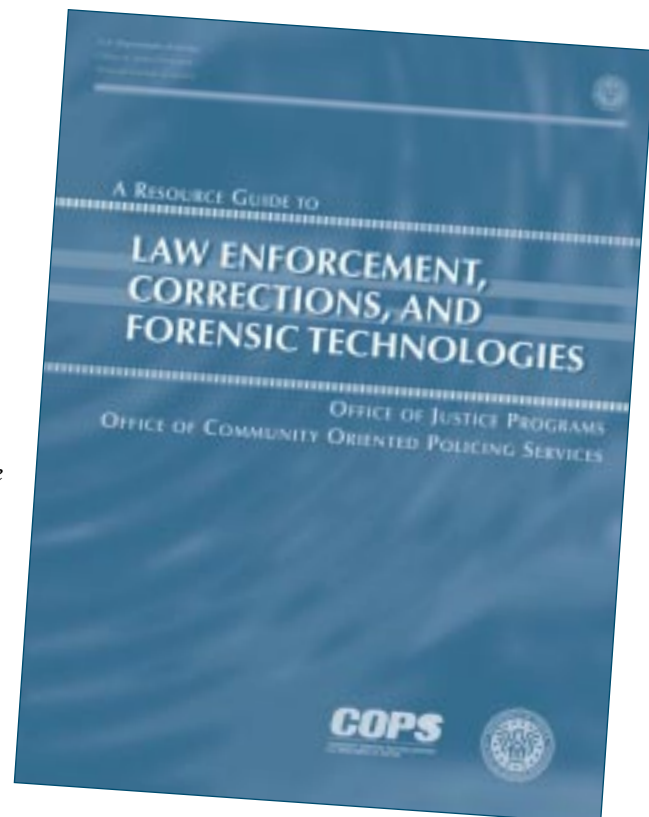
Events

Fifth Annual ADAM Conference

The technical and operational principles involved in maintaining an Arrestee Drug Abuse Monitoring (ADAM) site were the focus of the fifth annual ADAM conference, which was held June 5–7 in Miami.

The 150 researchers, criminal justice professionals, and site personnel involved in operation of the 35 ADAM sites and 3 affiliated ADAM sites attended the meeting to discuss the challenges of introducing new arrestee sampling methods and a redesigned interview instrument.

Featured topics included:

- Measuring drug and alcohol dependence among male arrestees across ADAM sites.

- Drug market participation among adult male arrestees.

- Pathological gambling, substance abuse, and crime.

- The drugs-crime relationship—history, complexity, amelioration, research, and the role of ADAM.

For more information about the conference, contact Karen Cyrus, NIJ Program and Policy Specialist, at 202–616–3838 or visit the ADAM Web site at http://www.adam-nij.net.
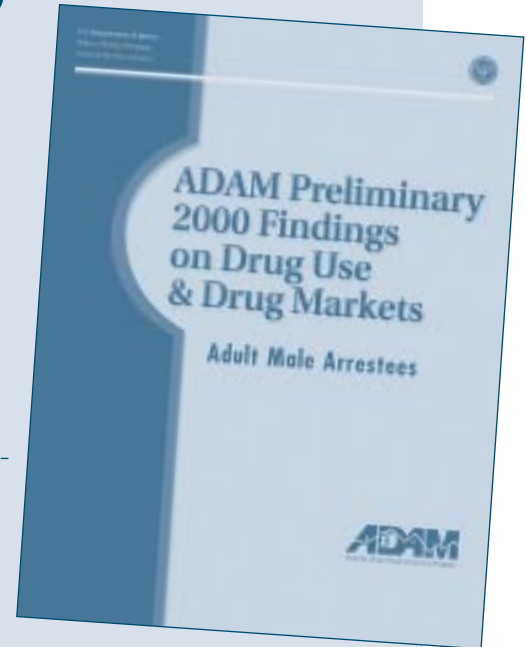
ADAM 2000 Preliminary Annual Report Now Available

ADAM's first report on the new probability-based sampling, post-stratification weighting strategy, and redesigned survey instrument is now available. The redesigned methodology will give researchers and policymakers greater confidence in ADAM data. Highlights of the redesign include new questions about heavy alcohol use, mental health and drug treatment, the need for treatment of drug dependency, and drug market characteristics. The questions are based on items from other national surveys and allow researchers to "cross-walk" between ADAM and other ongoing large-scale research studies.

The redesigned survey also introduces a calendar methodology that allows ADAM respondents to answer questions about their drug-using behavior over the past year in the context of other life events.

The report presents original data from the sites in the ADAM network, describes drug and alcohol use based on urinalysis and self-reports, presents analysis related to treatment needs, and describes a number of features about drug markets.

ADAM Preliminary 2000 Findings on Drug Use and Drug Markets—Adult Male Arrestees (NCJ 189101) is available electronically from the NIJ Web page at http://www.ojp.usdoj.gov/nij/pubs-sum/189101.htm or by calling NCJRS at 1–800–851–3420. Visit the ADAM Web site at http://www.adam-nij.net.

Mock Prison Riot

A riot took place at the former West Virginia State Penitentiary in Moundsville, West Virginia, for the fifth straight year. It was a mock riot that was attended by 1,347 corrections, law enforcement, and other public safety officers April 29 to May 3.

The riot gives NIJ's Office of Law Enforcement Technology Commercialization (OLETC) a chance to showcase emerging technologies and officers a chance to use and evaluate the technologies in simulated scenarios.

Hosted by OLETC, the West Virginia Division of Corrections, and the Moundsville Economic Development Council, the mock riot exhibited 77 new technologies, including biometric fingerprint solutions, chemical agent dispensers, concealed weapons detection devices, facial identification programs, firearms simulations, open holographic

sights, robotics, thermal vision gear, and less-than-lethal technologies such as pepper balls and a ring air projectile.

These innovative technologies were tested through 36 hands-on training scenarios, including:

- A food fight broke out in the dining hall, where two service staff were assaulted and an officer was taken hostage.

- An officer was held hostage in the yard while inmates negotiated for a van to attempt their escape and officers rappelled over the prison wall.

- An inmate holding an employee hostage barricaded himself and his hostage in a cell with weapons.

- A missing inmate was discovered in the prison's basement.

For more information about the 2001 Mock Prison Riot, visit the OLETC Web site at http://www.oletc.org/riot/riotmainpage.asp

or call 1–888–306–5382. Videos and photographs of the last five riots are available on the Web site.

Forum Focuses on Drugs and Crime

The future direction of research on drugs and crime was at the core of discussions at a major research forum held April 19–20. Approximately 40 prominent researchers attended.

The discussion centered on ways research can better pinpoint problems created by drugs and crime and develop strategies for solving those problems. The goal was to design a research agenda for the future that will inform policy and improve practice.

The discussion was based on three papers, two commissioned by NIJ and one commissioned by the National Institute on Drug Abuse.

The papers were:

- "At the Intersection of Public Health and Criminal Justice Research on Drugs and Crime," by James C. Anthony with Valerie Forman.

- "Research on Drug-Crime Linkages: The Next Generation," by Robert MacCoun, Beau Kilmer, and Peter Reuter.

- "The Drugs-Crime Relationship: What We May Know, What We Do Not Know, and Significant Research Questions," by Duane McBride, Curtis Vander-Waal, and Yvonne Terry-McElrath.

These papers, along with an executive summary highlighting the research agenda and a summary of the forum discussion, will be published soon. To receive a copy of the forthcoming Drugs and Crime Research papers and agenda, send your name, street address, and email address to Karen Cyrus, NIJ Division of Drugs and Crime Research, at cyrusk@ojp.usdoj.gov.

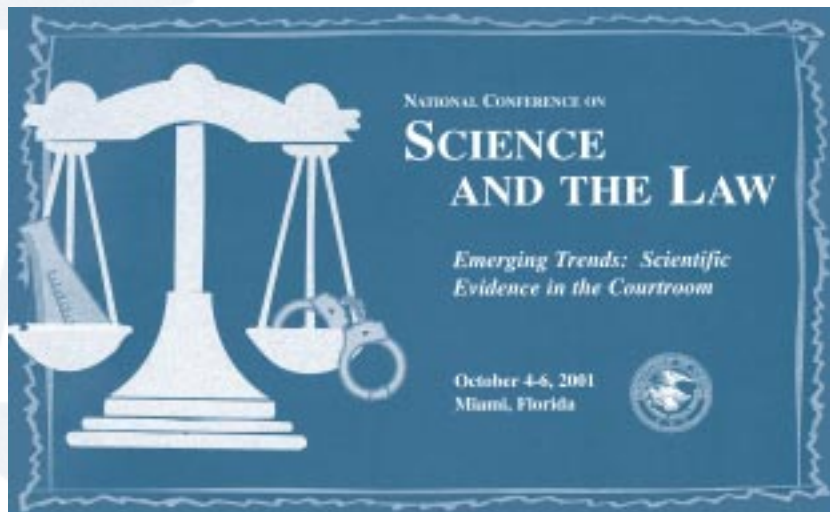## Science and the Law National Conference

The reliability of evidence and the credibility of witnesses were the focus of the 2001 Science and Law Conference, which was titled "Emerging Trends: Scientific Evidence in the Court."

The conference, which was held in October, brought together approximately 250 members of the criminal justice and academic fields to improve understanding among scientists, attorneys, and judges and to foster and develop questions for future research on the role of science and scientists in the criminal justice system.

Panels at the NIJ-sponsored event discussed scientific and legal tutori-

als, court-appointed experts and advisors, law enforcement personnel who testify as experts, the use of eyewitness evidence, and case studies on the admissibility of novel scientific evidence.

Proceedings from the 1999 annual meeting are available at http://www.ojp.usdoj.gov/nij/pubs-sum/179630.htm. Proceedings from the 2000 and 2001 meetings are forthcoming.

National Conference on SCIENCE AND THE LAW

Emerging Trends: Scientific Evidence in the Courtroom

October 4–6, 2001
Miami, Florida

Perspectives Series Lectures

The Perspectives on Crime and Justice lecture series, sponsored by NIJ and held each year in Washington, DC, gives well-known scholars an opportunity to present provocative points of view to policymakers and practitioners.

Plans are underway for speakers for the 2002 series. Watch the NIJ Web page for the names and dates of upcoming lectures.

In 2001, the series featured:

- "Why Violence Appears to Be Declining," by Alfred Blumstein, Professor at Carnegie Mellon University and Director of the National Consortium on Violence Research.

- "Juvenile Offenders, Adolescence, and Psychopathology," by Laurence Steinberg, Professor at Temple University and Director of the John D. and Catherine T. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice.

- "Key Behavioral and Environmental Factors in Violence Prevention," by Carl Bell of the Community Mental Health Council and Foundation.

- "The Impact DNA Testing Has Had on Forensics," by Margaret Berger of the Brooklyn Law School.

The papers and question-and-answer sessions that follow each lecture are published annually by NIJ. Previous lectures featured Sissela Bok on violence, free speech, and the media; Felton Earls on men, fathers, and community; and Randall Kennedy on race and crime. Copies of previous volumes are available on NIJ's Web site at

http://www.ojp.usdoj.gov/nij or from NCJRS at 1–800–851–3420.

For more information about the lectures, visit NIJ's Professional Conference Series home page at http://www.nijpcs.org and click on "Past Conference Materials."

Counterterrorism and Critical Incident Responses

NIJ and the other bureaus and offices of the Office of Justice Programs support a number of efforts concerning terrorism. Below is a list to lead you to more information.

- **NIJ's Critical Incident Response/Counterterrorism Program**
  These sites describe NIJ's portfolio of research and development:
  http://www.ojp.usdoj.gov/nij/sciencetech/counter.htm
  http://www.nlectc.org/virlib/InfoList.asp?strType=Technology

- **OJP Office for Domestic Preparedness**
  http://www.ojp.usdoj.gov/odp

- **Technology for Public Safety Response to Critical Incidents at OJP**
  Research and Statistics:
  http://www.ojp.usdoj.gov/technology/research_statistics/public_safety_response.htm

  Fielded Programs:
  http://www.ojp.usdoj.gov/technology/fielded_programs/public_safety_response.htm

  Technical Assistance and Training:
  http://www.ojp.usdoj.gov/technology/ta_training/counterterrorism.htm

- **Terrorism and Domestic Preparedness Information at OJP**
  http://www.ojp.usdoj.gov/terrorism/whats_new.htm
  http://www.ojp.usdoj.gov/terrorism/links.htm
  http://www.ojp.usdoj.gov/terrorism/technical_assistance.htm
  http://www.ojp.usdoj.gov/terrorism/field_tested_programs.htm

- **Publications on Terrorism and Domestic Preparedness**
  National Criminal Justice Reference Service Virtual Library
  http://virlib.ncjrs.org/more.asp?category=51&subcategory=151

- **Center for Civil Force Protection**
  Sandia National Laboratories:
  http://www.justnet.org/ccfp

- **Institute for Security Technology Studies (Dartmouth College)**
  http://www.ists.dartmouth.edu

- **Oklahoma City National Memorial Institute for the Prevention of Terrorism**
  http://www.mipt.org

Solicitations

Apply for Funding

NIJ regularly issues requests for proposals, called solicitations, for research in a wide range of topics related to crime and justice. All funding opportunities are described in detail on NIJ's home page (http://www.ojp.usdoj.gov/nij/funding.htm).

The following solicitations were recently posted on the Web:

- Doctoral students can receive funding through the Graduate Research Fellowship Program for independent research on issues in crime and justice. There are two application deadlines remaining in 2002: May 15 and September 16, 2002.

- Researchers can receive funds to conduct original research using data from the National Archive of Criminal Justice Data. There are two application deadlines remaining in 2002: June 25 and October 25, 2002.

NIJ's Web page provides specific details and deadlines about these and other upcoming solicitations.

July 21–24, 2002
JW Marriott Hotel, Washington, DC

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For more details, contact:
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